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1 April 26, 2018

2 THE COURT: All right. Does the
3 Government have its next witness or evidence,
4 Mr. Castellano?

5 MR. CASTELLANO: Yes, Your Honor. The
6 United States calls Manuel Jacob Armijo.

7 THE COURT: Mr. Armijo, if you'll come up
8 and stand next to the witness box on my right, your
9 left, before you're seated, my courtroom deputy,
10 Ms. Bevel, will swear you in.

11 MANUEL JACOB ARMIJO,
12 after having been first duly sworn under oath,
13 was questioned and testified as follows:

14 THE CLERK: Please be seated. Please
15 state your name and spell your last name for the
16 record.

17 THE WITNESS: Manuel Jacob Armijo,
18 A-R-M-I-J-O.

19 THE COURT: Mr. Armijo. Mr. Castellano.

20 MR. CASTELLANO: Thanks, Your Honor.

21 Your Honor, at this time I move the
22 admission of Government's Exhibits 633, 636, 637,
23 and 594.

24 THE COURT: Any objection from any
25 defendants? Not seeing or hearing any objection,

1 the Court will admit Government's Exhibits 633, 636,
2 637 and 594 into evidence.

3 (Government Exhibits 633, 636, 637, and
4 594 admitted.)

5 MR. CASTELLANO: Thank you, Your Honor.

6 THE COURT: Mr. Castellano.

7 DIRECT EXAMINATION

8 BY MR. CASTELLANO:

9 Q. Good afternoon, sir.

10 A. Good afternoon.

11 Q. You told us already, but please tell us
12 your name.

13 A. Manuel Jacob Armijo.

14 Q. Are you known by any other names?

15 A. Big Jake.

16 Q. And are you now or have you ever been an
17 SNM Gang member?

18 A. Yes.

19 Q. And was Big Jake the name you were known
20 by in the gang?

21 A. Yes.

22 Q. Can you please tell the members of the
23 jury when you joined the gang?

24 A. 1993.

25 Q. And how is it that you came into the gang?

1 A. I was brought in by Marty Barros, Angel
2 Munoz, and Johnny Gallegos.

3 Q. Was Johnny Gallegos known by any other
4 names?

5 A. Johnny Green Eyes.

6 Q. And were you on the streets or were you in
7 prison when you joined the gang?

8 A. I was in prison.

9 Q. Before prison, were you a member of any
10 other gang?

11 A. From Barelás.

12 Q. And so Barelás is a neighborhood, and was
13 it also a gang from that neighborhood?

14 A. Yes.

15 Q. Where did you find yourself when you went
16 to prison?

17 A. The Main facility in Santa Fe.

18 Q. And is that the facility they call the Old
19 Main?

20 A. Yes.

21 Q. Is that separate from PNM North and PNM
22 South?

23 A. Yes.

24 Q. Is the Main facility closed now?

25 A. Yes.

1 Q. And is that the place where they had the
2 riots back in 1980?

3 A. I guess.

4 Q. When you first got to prison, did you have
5 a confrontation with anybody?

6 A. Yes.

7 Q. And what happened as a result of that
8 confrontation?

9 A. I had my throat cut.

10 Q. And what type of medical attention did you
11 require?

12 A. Stitches.

13 Q. And what happened after that person cut
14 your throat in terms of -- well, did anyone else do
15 anything about that?

16 A. Johnny Green Eyes found out that it was
17 for me. He was also a member of Barelás gang. He
18 proceeded to get other gang members from the SNM to
19 retaliate against him.

20 Q. Did that happen?

21 A. No. They were locked down.

22 Q. So they got locked down before the
23 retaliation happened?

24 A. Yes.

25 Q. Now, were you a member of the SNM at that

1 point?

2 A. No.

3 Q. What did you think about the fact that
4 these people had attempted to retaliate on your
5 behalf?

6 A. I kind of thought it was a good deed. It
7 was showing me where their heart was at, and the way
8 they felt about me. It was like a good -- it was a
9 good feeling.

10 Q. As a result of that happening, did anyone
11 ask you to join the gang?

12 A. Yes.

13 Q. Who was that person?

14 A. Johnny Green Eyes.

15 Q. And you told the jury a little bit ago
16 three names. Was there any requirement when you
17 joined to have multiple people vouch for you or
18 raise their hand for you?

19 A. Yes, there's three. It has to be three
20 people.

21 Q. And at that point -- who was Angel Munoz?

22 A. He was the leader of the SNM.

23 Q. And at first, did he welcome you into the
24 SNM?

25 A. No.

1 Q. Did he eventually change his mind?

2 A. Yes.

3 Q. How did that happen?

4 A. We were housed in Las Cruces, New Mexico,
5 at the penitentiary in Las Cruces. And me and Angel
6 became very close, and that's when he accepted me
7 into the gang.

8 Q. About when was that? 1993?

9 A. Yes.

10 Q. Now you mentioned you were initially at
11 the Main, and then you mentioned Las Cruces. So at
12 some point did you change from one facility to the
13 next?

14 A. Yes. I was transferred to -- from the
15 Main, I was transferred to the North facility after
16 the assault. From there, I was given a task to
17 initially join the SNM. I was moved to the Santa Fe
18 South, PNM South. Before I was able to do what I
19 needed to do to get in the gang, I was -- got in a
20 confrontation with a correction officer, and then I
21 was moved back to the North facility, and stayed
22 there for a few months, and then eventually
23 transferred to Las Cruces, New Mexico.

24 Q. What were you supposed to do for the gang?

25 A. I was supposed to hit an LC member.

1 Q. What does "LC" stand for?

2 A. Los Carnales.

3 Q. And what happened instead of hitting that
4 person?

5 A. I ended up getting in an altercation with
6 a correction officer.

7 Q. Did anyone ever ask you whether you did
8 what you were supposed to do to the LC member?

9 A. Yes.

10 Q. What was your response?

11 A. No.

12 Q. Was there any trouble for you since you
13 didn't complete that mission?

14 A. No.

15 Q. Did it matter that you got in an
16 altercation with a CO instead?

17 A. No.

18 Q. Now, you said that you eventually got
19 close to Angel Munoz. In the prison facility, were
20 there certain things that you did for him?

21 A. Yes.

22 Q. What types of things would you do for him?

23 A. Debt collections, drug collections. More
24 or less just watched over him to make sure nobody --
25 he came to no harm.

1 Q. I'm going to show you what's been admitted
2 as Defendants' Exhibit AM. Would you look at the
3 monitor on the side of you there? Do you recognize
4 that person?

5 A. Yes.

6 Q. Who is that?

7 A. Angel Munoz.

8 Q. And what was his status in the gang?

9 A. He was the main leader of the SNM.

10 Q. And at some point, or maybe even longer,
11 did you feel loyal to him?

12 A. Yes.

13 Q. Did you have any responsibility to protect
14 him in prison?

15 A. Yes.

16 Q. And can you tell the members of the jury
17 how you would protect him or how he would have
18 protection around him?

19 A. He was heavily guarded at all times.
20 Anybody disrespecting him or owing him money would
21 pay consequences.

22 Q. And so could somebody just approach him
23 without asking?

24 A. No, not really.

25 Q. And so did people have to get permission,

1 even in prison, to approach him to talk to him?

2 A. Yes.

3 Q. And were you one of the people who would
4 protect him and make sure that no one would harm
5 him?

6 A. Yes.

7 Q. Did the SNM tax people for drugs?

8 A. Yes.

9 Q. And what had -- how much -- well, what
10 amount of drugs were people supposed to pay to the
11 SNM?

12 A. There was no, like, amount, but there was
13 dues that needed to be paid.

14 Q. And for the most part, was the SNM running
15 the drug trade in the prison back then?

16 A. Yes.

17 Q. In prison, did you ever rough somebody up
18 for disrespecting Angel Munoz?

19 A. Yes.

20 Q. About how many times? Or do you remember
21 any specific instance where you did that?

22 A. The first person I assaulted was another
23 member of the SNM Gang. He was a higher-ranking
24 member than I was at the time.

25 Q. Who was that person?

1 A. Chaparro.

2 Q. And did that cause any problems for you
3 since he was higher ranking than you?

4 A. I caught a little backlash, but not much.

5 Q. Is that because you were addressing an
6 issue involving disrespect?

7 A. Yes.

8 Q. What eventually happened to Chaparro? Did
9 he stay with the gang?

10 A. No.

11 Q. Did he try to form another gang?

12 A. Yes.

13 Q. What were they called?

14 A. The All Stars.

15 Q. And what eventually happened to the All
16 Stars?

17 A. They faded out, like, after a year, two
18 years.

19 Q. Did the SNM permit them to become a
20 separate gang from the SNM?

21 A. No.

22 Q. And for the most part, who were the All
23 Stars?

24 A. They were people that were assaulted by
25 SNM members, people that were no longer part of the

1 SNM Gang.

2 Q. And for the most part, were those people
3 assaulted by SNM Gang members?

4 A. Yes.

5 Q. What were some of the rules of the gang
6 when you were in?

7 A. There was -- like what?

8 Q. What happened to people who ratted or
9 cooperated with law enforcement?

10 A. They were either stabbed, assaulted, or
11 killed.

12 Q. What about sex offenders?

13 A. They were assaulted.

14 Q. And what if people didn't follow orders?

15 A. They were assaulted, also.

16 Q. Could the assault vary depending on the
17 amount of, I guess, lack of follow-through?

18 A. Yes.

19 Q. Are you familiar with the term a
20 violation?

21 A. Yes.

22 Q. What was a violation?

23 A. A violation was an assault on somebody
24 that didn't follow through, didn't follow our rules
25 and regulations.

1 Q. And so was that kind of an internal
2 discipline within the gang?

3 A. Yes.

4 Q. At some point did Angel Munoz get out of
5 prison?

6 A. Yes.

7 Q. And at some point were you also on the
8 streets with him?

9 A. Yes.

10 Q. I'm going to ask you if you ever assaulted
11 anybody for disrespecting Angel Munoz, even on the
12 streets?

13 A. Yes.

14 Q. Can you tell the members of the jury about
15 that, please?

16 A. We were at a party of one of his family
17 members, and one of the guys there was drunk, and he
18 disrespected him, came off the wall with him, I
19 guess he was drunk, being belligerent with him. I
20 lured him around the back of the house and I stabbed
21 him several times.

22 Q. What eventually happened to that person;
23 do you know?

24 A. I don't know.

25 Q. You mentioned initially that you were

1 supposed to assault an LC gang member. Did the
2 rules apply on the streets as well as in prison?

3 A. Yes.

4 Q. Can you tell the members of the jury
5 whether you assaulted any LC members even on the
6 streets?

7 A. Yes.

8 Q. I'm going to ask you about an incident at
9 an AutoZone. Do you recall that?

10 A. Yes.

11 Q. Who was that person?

12 A. Manuel Aragon, Flaco, from Barelás. He
13 was an LC member.

14 Q. So were you in the same street gang before
15 prison?

16 A. Yes. He was one of my best friends.

17 Q. Okay. So explain that to the jury,
18 please. You said he was one of your best friends
19 but because you ended up in another gang, what did
20 you do to him?

21 A. I ended up stabbing him.

22 Q. Did he survive that?

23 A. Yes.

24 Q. And did you attack any other LC members
25 even on the streets?

1 A. Yes.

2 Q. Do you remember who that was?

3 A. I don't remember who he was. I know he
4 was a member of the LC gang.

5 Q. What happened with that assault?

6 A. I also stabbed him also.

7 Q. Did you do that because it was expected of
8 you by being a member of the SNM?

9 A. Yes.

10 Q. Were you involved in dealing drugs on the
11 streets?

12 A. For personal use, yes.

13 Q. And so just to be clear, when you were
14 dealing on the streets, was that for you and not for
15 the gang?

16 A. Yes.

17 Q. Do you ever try to send drugs in to Angel
18 Munoz when he was in prison?

19 A. No.

20 Q. Was that ever expected of you?

21 A. No, not really. I did send him money,
22 though.

23 Q. What was the purpose of sending him money?

24 A. Just so he could have food and hygiene.

25 Q. Back in those days, was it kind of

1 expected that members would take care of other
2 members even if they were in prison?

3 A. Yes.

4 Q. When you were in the gang in prison, were
5 you expected to have weapons available?

6 A. Yes.

7 Q. What types of things would you make
8 weapons out of?

9 A. Light fixtures, plastic bottles, razors;
10 anything that could be sharpened to a point.

11 Q. Where would those weapons be kept?

12 A. There was always a person that was in
13 charge of that.

14 Q. When you were in prison, did the housing
15 situation change over the years? For example, when
16 you first got to the Main, were the units mixed in
17 terms of the population?

18 A. Yes.

19 Q. So could it be at times that you could
20 have an LC member and an SNM Gang member even in the
21 same pods?

22 A. It's been known, yes.

23 Q. And would that create problems?

24 A. At the time, no, not really.

25 Q. If you were at war, and sometimes in the

1 same pod, why would there be times when there
2 wouldn't be problems?

3 A. I guess there was mutual respect for each
4 other, and there was kind of like a ceasefire at the
5 time.

6 Q. Did that change over the years, going to
7 war with them and having ceasefires from time to
8 time?

9 A. Yes.

10 Q. And over the years, then, did there come a
11 point when SNM members were largely or almost
12 exclusively housed with other SNM members?

13 A. Yes.

14 Q. Mr. Armijo, I'm going to show you what's
15 been marked as Government's Exhibit 594. Are you
16 able to see that exhibit, sir?

17 A. Yes.

18 Q. Do you see yourself in there?

19 A. Yes.

20 Q. I'm going to circle one that's obviously
21 got your name there. But is the person in the back
22 row, middle, you?

23 A. Yes.

24 Q. And who are the other people in this
25 photograph?

1 A. There's Angel Munoz, Joe Barjon, Ralph
2 Hernandez, and I can't remember the other three
3 names.

4 Q. Were all of those people SNM Gang members?

5 A. No.

6 Q. And so can you explain to the members of
7 the jury why it is that you would take photos
8 sometimes with or without SNM Gang members?

9 A. There were just people, all friends. We
10 were just all friends that hung around together.

11 Q. So even if you were friends but not in the
12 same gang, would you have a chance to take pictures
13 together?

14 A. Yes.

15 Q. And is this an example of one of those
16 where you have members and nonmembers together?

17 A. Yes.

18 Q. I'm going to show you Government's Exhibit
19 635. At the top I'm circling the offender physical
20 location history with your name on it. Do you see
21 that?

22 A. Yes.

23 Q. Turn to the second page of that exhibit.
24 And over here I'm going to underline "January 18,
25 2001, Southern Main facility." Do you see that,

1 sir?

2 A. Yes.

3 Q. And at that point in time, in 2001, did
4 you -- were you transferred to the Southern New
5 Mexico Correctional Facility outside of Las Cruces?

6 A. Yes.

7 Q. I'm also going to circle here or underline
8 "February 5, 2001." Do you see where you're moved
9 from Southern to PNM?

10 A. Yes.

11 Q. So how long did you stay at the facility
12 there? Less than a month?

13 A. Yes.

14 THE COURT: Mr. Castellano, would this be
15 a good time for us to take our afternoon break?

16 MR. CASTELLANO: Yes, Your Honor.

17 THE COURT: All right. We'll be in recess
18 for about 15 minutes. All rise.

19 (The jury left the courtroom.)

20 THE COURT: All right. We'll be in recess
21 for about 15 minutes.

22 (The Court stood in recess.)

23 THE COURT: All right. I think we have
24 all the defendants and an attorney for each of the
25 defendants.

1 Let me just remind everybody that we
2 really have pushed the marshals to the limits, the
3 Court, about making electronic equipment available
4 to a lot of people, more so than we normally do. So
5 don't abuse any privileges of that, or we'll have to
6 pull back, and then that will make it just difficult
7 for us all to do our jobs. So help me to assure the
8 marshals that we're not going to have problems with
9 that, so that I can continue to work with you and
10 the privileges that have been given to everybody.
11 So help me out on that.

12 All right. Anything we need to discuss
13 before we bring the jury in? Mr. Beck,
14 Mr. Castellano? From the defendants?

15 MR. BECK: No, Your Honor.

16 THE COURT: From the defendants? Anybody
17 got anything to discuss?

18 All right.

19 (The jury entered the courtroom.)

20 THE COURT: Mr. Armijo, I'll remind you
21 that you're still under oath.

22 THE WITNESS: Yes.

23 THE COURT: Mr. Castellano, if you wish to
24 continue your examination of Mr. Armijo, you may do
25 at this time.

1 BY MR. CASTELLANO:

2 Q. Mr. Armijo, I'm going to take a step back
3 and show you Government's Exhibit 633. And I'm
4 going to go over some of your criminal history with
5 you.

6 When you joined the SNM, was that the
7 first time you had been to prison?

8 A. Yes.

9 Q. And let me turn your attention to page
10 8509 of that exhibit. This looks like an order and
11 commitment for violating the terms of probation. Do
12 you see that?

13 A. Yes.

14 Q. Back at that time, were you on probation?

15 A. Yes.

16 Q. And did you violate, I think it says here,
17 for using marijuana?

18 A. Yes.

19 Q. At the bottom it says as a result, a term
20 of imprisonment for 18 months.

21 A. Yes.

22 Q. I'm going to turn next to page 8515 of
23 that same exhibit. And when I refer to that page,
24 Mr. Armijo, I'm referring to this portion right at
25 the bottom where it says U.S. v Baca, 8515?

1 A. Right.

2 Q. Is that the case in which you were charged
3 in the Baca indictment? I'm just talking about the
4 convictions here, what I've circled at the bottom.
5 Were you charged in the case of U.S. versus Baca and
6 others?

7 A. Yes.

8 Q. And was that part of what's called a RICO
9 conspiracy?

10 A. Yes.

11 Q. Looking at the actual page, it looks like
12 a conviction in 1995 for a commercial burglary.
13 Were you convicted of that offense?

14 A. Yes.

15 Q. Looking at page 8517 of that exhibit, it
16 looks like it shows a conviction in 1994 for escape
17 from jail?

18 A. Yes.

19 Q. Is that also one of your convictions?

20 A. Yes.

21 Q. What kind of escape was that, if you
22 remember?

23 A. I escaped from the courtroom.

24 Q. What was going on at that time that you
25 escaped from the courtroom?

1 A. I was wanted on a violation out of
2 Albuquerque, New Mexico. I picked up a DWI, and my
3 warrant was picked up. While I was being
4 transferred to the courtroom for my DWI, the day
5 prior, the officer left me unattended, and I got up
6 and left.

7 Q. And then you were charged for that?

8 A. Yes.

9 Q. Let me turn next to page 8520 in that same
10 exhibit. Underlining, possession of methamphetamine
11 from a sentencing in 1999. Do you see that?

12 A. Yes.

13 Q. It says here at the top, commitment to the
14 Department of Corrections. Is that a crime for
15 which you were sentenced to prison time?

16 A. Yes.

17 Q. Turning to page 8523, it looks like
18 another commitment to the Department of Corrections.
19 And were you sentenced pursuant to what's called a
20 partial repeat offender plea and disposition
21 agreement?

22 A. Yes.

23 Q. So as somebody who had prior convictions,
24 could you have your sentenced enhanced as a repeat
25 offender?

1 A. Yes.

2 Q. And did that happen to you over the years
3 with your criminal history?

4 A. Yes.

5 Q. Turning next to page 8527, I'm underlining
6 on that page, "Receiving or transferring a stolen
7 vehicle," and in parentheses it says, "Possession
8 and possession of a controlled substance" which was
9 methamphetamine?

10 A. Yes.

11 Q. And receiving or transferring a stolen
12 vehicle. Are those things for which you were
13 convicted?

14 A. Yes.

15 Q. I want to show you next Government's
16 Exhibit 698. Is that a picture of you from April 28
17 of 2016?

18 A. Yes.

19 Q. Is that the date that you were arrested in
20 this case?

21 A. Yes.

22 Q. So the jury has heard that some people
23 were arrested in December of 2015. Was yours a few
24 months later, in 2016?

25 A. Yes.

1 Q. Were you rounded up with other people and
2 processed by the FBI?

3 A. Yes.

4 Q. And is that when this photo was taken?

5 A. Yes.

6 Q. Let me turn your attention to Exhibit 704.
7 I'm going to circle something on your wrist. First
8 of all, is this your wrist?

9 A. Yes.

10 Q. What have I circled in Exhibit 704?

11 A. A zia with an S inside.

12 Q. What does that mean?

13 A. The SNM.

14 Q. So is that an SNM tattoo?

15 A. Yes.

16 Q. Let me turn next to Exhibit 705. Looks
17 like you have other tattoos, but what I'm going to
18 focus on is on your right tricep in this exhibit,
19 I've circled something else. What have I circled?

20 A. Another zia with SNM inside it.

21 Q. Was that also an SNM tattoo?

22 A. Yes.

23 Q. Now, did everyone in the SNM get an SNM
24 tattoo?

25 A. Not everyone.

1 Q. At times could that cause problems for
2 people in the corrections system because it helped
3 identify them as gang members?

4 A. Yes.

5 Q. What happened once people were identified
6 as gang members?

7 A. We were validated.

8 Q. And so was there a difference between an
9 SNM Gang member who's recognized as a member of the
10 gang and someone the Corrections Department
11 recognized as a gang member? Does that make sense?

12 A. Is there a difference?

13 Q. Let me ask you this. Could you be an SNM
14 Gang member but not be validated by the Corrections
15 Department?

16 A. Yes.

17 Q. How could that happen? In other words,
18 did some people try to avoid being validated?

19 A. Yes.

20 Q. And why is that?

21 A. So they could get out to population. But
22 that didn't always work.

23 Q. Why didn't it always work?

24 A. Because even though -- if you were just
25 talking to an SNM Gang member, you were quickly

1 associated with them.

2 Q. So there were times that -- is it fair to
3 say there are times Corrections would associate you
4 with a gang if they saw you even talking to other
5 gang members?

6 A. Yes, more in the most recent years.

7 Q. And when you first got to prison, was
8 there any such thing as STG?

9 A. No, we were STG.

10 Q. And were you considered a Security Threat
11 Group?

12 A. Yes.

13 Q. Why is that?

14 A. We were one of the biggest gangs in
15 prison.

16 Q. Was SNM known for the violence it
17 committed in prison?

18 A. Yes.

19 Q. I want to take you back now to Exhibit
20 635. Would you turn to the second page of that
21 exhibit? Before the break I had underlined the
22 block of time from January 18, 2001, to February 5th
23 of 2001 and you earlier testified that you were at
24 Southern for less than a month; is that correct?

25 A. Yes.

1 Q. Why is it that you were there for less
2 than one month?

3 A. I was considered a threat and wasn't
4 wanted there by the STIU and the warden.

5 Q. Once you arrived at that facility, did
6 some people get assaulted?

7 A. Yes.

8 Q. Or at least were you -- did they attribute
9 those assaults to you?

10 A. I would say no.

11 Q. Once you got to the facility --

12 Q. Yeah, they did. I didn't understand the
13 question. But yes, they did.

14 Q. So you arrived, some people got
15 assaulted --

16 A. And they accused me of it.

17 Q. -- and they accused you of it?

18 A. Yes.

19 Q. Let me ask you this. Did you order any of
20 those assaults?

21 A. No.

22 Q. When you got to the facility, who is what
23 I'll refer to as the key-holder of the facility?

24 A. There was Lino G and T Bone.

25 Q. Once you go to the facility, who was the

1 key-holder?

2 A. I took over.

3 Q. Why did you take over?

4 A. I was instructed by Angel Munoz.

5 Q. How did you know Angel Munoz wanted you to
6 take over the facility?

7 A. He told me over a phone conversation we
8 had.

9 Q. And where were you and where was he when
10 you were able to speak on the phone?

11 A. I was in prison and he was in the streets.

12 Q. Back in those days, were you able to
13 communicate that way by phone?

14 A. Yes.

15 Q. Why is it that you took over the facility
16 when you arrived?

17 A. When I got there, there was other gang
18 members that were unsatisfied with the leadership.
19 People had owed them money and the people that were
20 leading at the time wasn't letting them collect
21 their money, and putting a halt to any assaults.

22 Q. So if they were the key-holders, was it
23 their responsibility to make sure those things
24 happened?

25 A. It was to make sure that things ran well,

1 ran good.

2 Q. And those people expressed those
3 complaints to you when you arrived?

4 A. Yes.

5 Q. What did you generally instruct those
6 people to do who complained to you about drug debts
7 and things of that nature?

8 A. If they owed you, then go ahead and get
9 your money or what's owed to you.

10 Q. I thought you said you didn't order
11 anybody to hit anybody. Is it possible that when
12 you told people to go collect their drug debts, that
13 some of those assaults may have resulted from that?

14 A. Yes.

15 Q. And so is that something that should have
16 happened if someone -- at least as far as the SNM
17 was concerned, if there was a drug debt, then people
18 should be collecting those debts?

19 A. Yes.

20 Q. When you were there, did you know anybody
21 named Frank Castillo?

22 A. Yes.

23 Q. How did you know him?

24 A. He was my friend since I first came into
25 prison, in the Main facility.

1 Q. So you guys went back all the way to the
2 Main?

3 A. Yes.

4 Q. What did you guys do together?

5 A. He was my workout partner.

6 Q. And when you were in there from January to
7 February of 2001, did you have any instructions to
8 make sure that either he or Rolando Garza were
9 killed?

10 A. No.

11 Q. And without paperwork, would you have
12 ordered them killed?

13 A. No.

14 Q. Had you seen paperwork, would it have been
15 your responsibility to make sure that they did get
16 killed?

17 A. Yes.

18 Q. And as an SNM Gang member who was holding
19 that kind of responsibility, would you have done
20 that?

21 A. Yes, I would have had to.

22 Q. And why do you say you would have had to?

23 A. Or else I could have got stabbed or
24 killed.

25 Q. So those were the rules of the gang?

1 A. Yes.

2 Q. Now, when you left the facility, even when
3 you left, were you aware of any orders to kill
4 either Mr. Garza or Mr. Castillo?

5 A. No.

6 Q. When you left the facility where did you
7 go next?

8 A. To the North facility in Santa Fe.

9 Q. I'm circling here right above the top line
10 from 2/5 of 2001 to 4/22 of 2001, it says N 1-B. Is
11 that the North facility, housing unit 1-B?

12 A. Yes.

13 Q. Then from there in 2002, does it show that
14 you were discharged from prison?

15 A. Yes.

16 Q. Then later on, as a result of other
17 criminal activity or violations, did you return to
18 prison?

19 A. Yes.

20 Q. After you left the facility, did you hear
21 about the Castillo and Garza murders?

22 A. Yes.

23 Q. Did you know Mr. Garza?

24 A. I had met him twice.

25 Q. And did you have the same relationship

1 with him that you did with Mr. Castillo?

2 A. No.

3 Q. So when you heard the news, were you upset
4 to hear the news of Mr. Castillo's death?

5 A. Yes.

6 Q. Why is that?

7 MR. SINDEL: Your Honor, I'm going to
8 object to the relevancy of all this, whether or not
9 he's upset about it.

10 THE COURT: What's the relevancy of it?

11 MR. CASTELLANO: It will lead into a
12 confrontation he has with Mr. Garcia down the road,
13 Your Honor.

14 THE COURT: Overruled.

15 MR. CASTELLANO: By that I mean Billy
16 Garcia, not Arturo Garcia.

17 BY MR. CASTELLANO:

18 Q. Okay. So were you upset to hear the news
19 of Mr. Castillo's death?

20 A. Yes.

21 Q. As a result of hearing that news, at some
22 point in time did you try to speak to Billy Garcia
23 about what had happened?

24 A. I had asked around why it happened. And I
25 had found out that --

1 MR. CASTLE: Objection, Your Honor.
2 Hearsay.

3 THE COURT: Sustained.

4 BY MR. CASTELLANO:

5 Q. Let me ask you this. After this happened,
6 did you, in your mind, have a reason why you wanted
7 to speak to Billy Garcia about Mr. Castillo?

8 A. Yes.

9 Q. And did you get to speak to him right
10 away?

11 A. No.

12 Q. At some point in time did you catch up to
13 Mr. Garcia?

14 A. Yes.

15 Q. Did you know him by any other names?

16 A. Wild Bill.

17 Q. Let me back up for a second. When you
18 left Southern New Mexico Correctional Facility, how
19 did you leave, or how quickly did you leave?

20 A. Emergency transport. I was gone within an
21 hour.

22 Q. So when you left, did you have the
23 opportunity to leave anyone else in charge of the
24 facility?

25 A. No.

1 Q. So moving forward now to a time -- over
2 the years, did you see if you and Billy Garcia were
3 in the same facility? Were you either looking for
4 him, or a chance to talk to him about Castillo?

5 A. Yes.

6 Q. At some point in time did you catch up to
7 him in a facility?

8 A. Yes.

9 Q. Where did you catch up to him?

10 A. The first time I caught up with him was at
11 the South facility.

12 Q. And did you get a chance to talk to him
13 there?

14 A. Not about the murder. Not about Pancho,
15 no.

16 Q. Did you guys speak about something else?

17 A. Yes.

18 Q. What did you speak about then?

19 A. The reason why he hadn't took care of a
20 situation that happened with his nephew and another
21 SNM Gang member.

22 Q. I won't ask you any more than that.

23 MR. CASTLE: Objection --

24 THE COURT: I'm sorry?

25 MR. CASTLE: This is all brand-new. If

1 this is part of a 302 that they've done with this
2 witness, we'd ask for production of it.

3 THE COURT: Well, why don't y'all
4 approach?

5 (The following proceedings were held at
6 the bench.)

7 THE COURT: Is it just sounding different
8 or is it actually --

9 MR. CASTELLANO: The first conversation he
10 has with Mr. Garcia, he confronts him for not
11 addressing a situation with Baby Zack, his nephew,
12 for snitching.

13 THE COURT: Is that important to your
14 story?

15 MR. CASTELLANO: Not as much as it is the
16 later conversation in --

17 THE COURT: Can you move on, then? Do you
18 need any more on that incident from him?

19 MR. CASTELLANO: May I have a moment, Your
20 Honor?

21 THE COURT: What he's already said is the
22 reason why he took care of a situation that happened
23 to his nephew, another SNM Gang member. Did you say
24 you won't ask any more about that?

25 MR. CASTELLANO: I wasn't going to ask

1 about the confrontation, because that would be
2 hearsay. And that refers to the situation where
3 Baby Zack and Styx got into a gun fight. I wasn't
4 going to ask about additional information because
5 that involves hearsay. I was going to ask him about
6 confronting him about not confronting a situation
7 with Baby Zack.

8 THE COURT: If he just left that one
9 sentence, Mr. Castle --

10 MR. CASTLE: I think he's already gotten
11 it in at this point if he's not going to get any
12 more of the confrontation my client made a statement
13 about this murder.

14 MR. CASTELLANO: He didn't say it's over a
15 situation but not that he confronted him about --
16 not tagged his nephew because that has to do with
17 his leadership, his ability to protect people, and
18 the fact that sometimes people bent the rules,
19 depending on who they were.

20 MR. CASTLE: Can he lead them through
21 this, Judge?

22 MR. CASTELLANO: It's just a couple of
23 questions.

24 THE COURT: Sounds like a single question,
25 maybe two. Then you can take a look at it,

1 Mr. Castle, if there's any other problem.

2 (The following proceedings were held in
3 open court.)

4 THE COURT: All right, Mr. Castellano.

5 BY MR. CASTELLANO:

6 Q. Mr. Armijo, I just want to break this down
7 in a couple of questions. So you said you were at
8 the South facility?

9 A. Yes.

10 Q. At that point did you confront Mr. Garcia
11 about a situation involving his nephew?

12 A. Yes.

13 Q. And is that person known as Baby Zack?

14 A. Yes.

15 Q. And did you confront him because you
16 thought he should have addressed an issue with you
17 believing that Baby Zack had snitched?

18 A. Yes.

19 Q. Now, when was the next time you caught up
20 to Mr. Garcia? By that, I should say Billy Garcia.

21 A. 2008. We were in MDC together.

22 Q. Let me make sure. Is it 2007 or 2008?

23 A. I'm going to say 2008.

24 Q. That's your best memory at this point?

25 A. Yes.

1 Q. Where is MDC?

2 A. Metropolitan Detention Center in
3 Albuquerque.

4 Q. And what were you doing there?

5 A. I was there on new charges.

6 Q. Were you and Billy Garcia in the same
7 living area in that facility?

8 A. Yes, we lived on the same tier.

9 Q. And what can you tell us about that
10 conversation with him?

11 A. I asked him about Frank, about Pancho, and
12 asked him why he had him hit. And he had said that
13 he had went against us in the Main facility back in
14 the '90s.

15 Q. When you say "Pancho," is that Frank
16 Castillo?

17 A. Frank Castillo, yes.

18 Q. Was that the explanation that Mr. Garcia
19 gave for having Pancho killed?

20 A. Yes.

21 Q. At the point that Pancho was in the Main,
22 do you recall if he was an SNM Gang member then?

23 A. No, he wasn't.

24 Q. So this was something that went back --

25 A. Before.

1 Q. -- before his membership?

2 A. Yes.

3 Q. Did he eventually become an SNM Gang
4 member?

5 A. Yes.

6 Q. You asked him about Frank Castillo. Based
7 on your relationships, did you have any reason to
8 ask him about Looney?

9 A. No.

10 Q. Rolando Garza?

11 A. No.

12 Q. So because Mr. Castillo was your friend,
13 is that why you specifically addressed that issue to
14 him?

15 A. Yes.

16 Q. Going back to 2001 at the Southern New
17 Mexico Correctional Facility, had you and Billy
18 Garcia been at the facility at the same time, who
19 would have been higher in rank or authority?

20 A. I would say he was.

21 Q. And how close would it be in terms of how
22 much authority each of you had?

23 A. It would have been close.

24 Q. So at that point, you each held a decent
25 amount of power; is that fair to say?

1 A. No, he had a little more -- well, a lot
2 more than me. He's an older member than I am.

3 Q. Is it fair to say that over the time, you
4 also had some shot-calling abilities and authority?

5 A. Yes.

6 Q. And were you ever the key-holder of a pod?

7 A. Yes.

8 Q. Now, you mentioned -- I asked you a
9 question about paperwork. Was paperwork -- or could
10 it be important to the SNM when it came to backing
11 up a hit?

12 A. It gave a reason for the hit.

13 Q. And was there always paperwork when there
14 was a hit involved?

15 A. No.

16 Q. I'm going to ask you if you were ever at
17 the Southern New Mexico Correctional Facility in
18 later years when you were asked to -- asked or
19 ordered to kill someone named Javier Molina?

20 A. Yes.

21 Q. And did you kill him or have him killed?

22 A. No.

23 Q. Why not?

24 A. There was no paperwork on him.

25 Q. About when was it that you were at the

1 Southern facility?

2 A. At that time?

3 Q. Yes.

4 A. 2010, 2011, and 2012.

5 Q. And during that time, then, did someone
6 ask you to have him killed?

7 A. Yes.

8 Q. And then why did you not do it?

9 A. There was no paperwork on him.

10 Q. And what did you do in response to there
11 not being paperwork within the pod?

12 A. I told him no one was to lay hands on him
13 because there was no proof of this.

14 Q. And I'll ask you the same questions as I
15 did back in 2001. Had the paperwork arrived when
16 you were at the facility, would it have been your
17 responsibility to either kill or have Mr. Molina
18 killed?

19 A. Yes.

20 Q. I'm going to ask you about having served
21 time with some of the other defendants in court.
22 Have you ever served time with someone named Edward
23 Troup?

24 A. Yes.

25 Q. And when you served time with him, did you

1 know him to be an SNM Gang member?

2 A. Yes.

3 Q. Did you ever have a chance to talk with
4 him or visit with him when you were in prison?

5 A. Yes.

6 Q. I want to ask you about a conversation
7 with him regarding someone named Freddie Sanchez or
8 Fred Dawg. Did Mr. Troup ever say anything to you
9 about that person?

10 A. Yes.

11 Q. What did he tell you?

12 MR. BURKE: Your Honor, I'm going to
13 object, just for foundation, so that we can know
14 when and where this conversation allegedly took
15 place.

16 THE COURT: Do you mind doing that,
17 Mr. Castellano?

18 MR. CASTELLANO: No, Your Honor.

19 MR. SINDEL: Could we also have a limiting
20 instruction, Your Honor?

21 THE COURT: All right. These statements
22 that Mr. Armijo is going to testify about,
23 statements about Mr. Troup, are only be used by the
24 jury in its consideration of the charges against
25 Mr. Troup. They cannot be used in any way in your

1 deliberations as to the charges against any other
2 defendant.

3 All right, Mr. Castellano.

4 BY MR. CASTELLANO:

5 Q. Let's see. Can I have Government's
6 Exhibit 635, please?

7 In which facility do you think you were
8 when you had this conversation with Mr. Troup?

9 A. I was in Los Lunas Central facility, 2012.

10 Q. Where you were when you had this
11 conversation with him?

12 A. We were out in the rec yard.

13 Q. And the members of the jury have seen
14 pictures of various rec yards, but not at that
15 facility. Can you explain to them a little bit how
16 the rec yard is broken down?

17 A. If you've seen pictures of the other ones,
18 the other ones are just the same. There are metal
19 cages side by side like dog kennels.

20 Q. So were you in a position where you and he
21 were able to speak out in the yard?

22 A. Yes.

23 Q. What did he tell you about the Fred Dawg
24 or the Freddie Sanchez homicide?

25 A. He had told me that he didn't fight back.

1 Q. When you say "he," who didn't fight back?

2 A. That Fred Dawg didn't fight back.

3 Q. And did he describe how things were in the
4 room?

5 A. Yes.

6 MR. BURKE: Objection, leading. A little
7 late, but that was a nice leading question, Counsel.

8 THE COURT: Overruled.

9 MR. CASTELLANO: Thank you.

10 BY MR. CASTELLANO:

11 Q. Did he tell you how -- or what happened to
12 the body after the murder?

13 A. Yes.

14 Q. What happened to it?

15 A. They laid him in the bed and put a book on
16 him as if he was asleep with his head facing near
17 the door, to where the guard couldn't tell if he was
18 awake or anything.

19 Q. Now, when you were arrested in this case,
20 were you housed with other SNM Gang members?

21 A. Yes.

22 Q. I want to ask you if you had a
23 conversation with somebody who identified himself as
24 Cunte's brother.

25 A. Yes.

1 Q. Who was that person?

2 A. Smiley.

3 Q. Did you know him by any other names?

4 A. Just introduced himself as Andrew.

5 Q. Where did this conversation take place?

6 A. Estancia.

7 Q. Is this a conversation you had before you
8 began cooperating?

9 A. Yes.

10 Q. Okay. Tell us about how you met someone
11 named Smiley or Andrew.

12 A. He just -- we were actually talking
13 through the vents. He was my neighbor, and he
14 introduced himself and told me that he was also a
15 brother.

16 Q. Did he tell you who any of his other
17 brothers were?

18 A. Cunte.

19 Q. When he told you he was a brother, what
20 did that mean to you?

21 A. That he was an SNM Gang member.

22 Q. How did you eventually figure out who this
23 person was? Let me ask you this. Do you see that
24 person in the courtroom?

25 A. Yes.

1 Q. Can you please point him out and tell us
2 what he's wearing?

3 A. He's wearing a black suit, gray shirt,
4 black tie.

5 MR. CASTELLANO: Let the record reflect
6 the witness has identified the defendant Andrew
7 Gallegos.

8 THE COURT: The record will so reflect.
9 BY MR. CASTELLANO:

10 Q. Here's my question that was confusing at
11 first. If you were just speaking through the vents,
12 how is it that you're able to identify him in court?

13 A. We go out to the yard together.

14 Q. So once you went out to the yard, were you
15 then able to see who was next door to you?

16 A. Yes.

17 Q. And did you know his brother, Cunte?

18 A. I'd known him by reputation, yes.

19 Q. I want to ask you if you know someone
20 named Arturo Garcia.

21 A. Yes.

22 Q. How do you know him?

23 A. I've known him for a lot of years.

24 Q. Have you known him to be an SNM Gang
25 member?

1 A. Yes.

2 Q. And have you served time with him before?

3 A. Yes.

4 Q. Do you see him in the courtroom?

5 A. Yes.

6 Q. Where is he, and what is he wearing?

7 A. He's in the back, wearing glasses, in the
8 back corner.

9 MR. CASTELLANO: Let the record reflect
10 the witness has identified the defendant Arturo
11 Garcia.

12 THE COURT: The record will so reflect.

13 BY MR. CASTELLANO:

14 Q. Do you know somebody named Joe Gallegos?

15 A. Just by reputation.

16 Q. So did you ever remember doing time with
17 him?

18 A. No.

19 Q. If you only know him by reputation, I
20 won't ask you to identify him.

21 Can you identify Edward Troup in court?

22 A. Yes.

23 Q. Where is he and what is he wearing?

24 A. Sitting in the first row, blue shirt, red
25 tie, glasses.

1 MR. CASTELLANO: Let the record reflect
2 the witness has identified Edward Troup?

3 THE COURT: The record will so reflect.

4 BY MR. CASTELLANO:

5 Q. And do you know Billy Garcia?

6 A. Yes.

7 Q. Do you see him in the courtroom?

8 A. Yes.

9 Q. What is he wearing?

10 A. He's wearing a green shirt.

11 Q. Where is he seated?

12 A. Just raised his hand, right there.

13 MR. CASTELLANO: Let the record reflect
14 the the witness has identified the defendant Billy
15 Garcia.

16 THE COURT: The record will so reflect.

17 BY MR. CASTELLANO:

18 Q. Is this a person you had a confrontation
19 with, or at least words, about what happened for
20 Frank Castillo?

21 A. Yes.

22 Q. Do you know Allen Patterson?

23 A. I met him while we were in Estancia also.
24 I never knew him before that.

25 Q. Did you know him before this case?

1 A. No.

2 Q. Do you know the defendant Christopher
3 Chavez?

4 A. Yes.

5 Q. How do you know him?

6 A. He's also a member of Barelvas.

7 Q. So from the same street gang as you?

8 A. Yes.

9 Q. Did you also know him as an SNM Gang
10 member?

11 A. Yes.

12 Q. Do you see him in the courtroom?

13 A. Yes.

14 Q. Would you please point him out and tell us
15 what he's wearing?

16 A. A gray tie and gray shirt.

17 MR. CASTELLANO: May the record reflect
18 the witness has identified the defendant Christopher
19 Chavez?

20 THE COURT: The record will so reflect.

21 BY MR. CASTELLANO:

22 Q. At some point in time did you agree to
23 cooperate in this case, sir?

24 A. Yes.

25 Q. And when you cooperated, did you debrief

1 or submit to interviews with the FBI?

2 A. Yes.

3 Q. Did you eventually plead guilty to the
4 charges against you?

5 A. Yes.

6 Q. I'm going to show you what's been admitted
7 as Government's Exhibit 636. Do you recognize this
8 document?

9 A. Yes.

10 Q. What is it?

11 A. It's my plea agreement.

12 Q. Does it show on the front page that you
13 pled guilty and it was filed on March 1st of 2017?

14 A. Yes.

15 Q. Let me turn your attention to the second
16 page. And do you see here you pled guilty to Count
17 1, which involved racketeering conspiracy?

18 A. Yes.

19 Q. As part of -- and were you charged in a
20 separate case than these defendants here, in a
21 separate indictment? Let me show you. Yours is
22 CR-16-1613; is that correct? Your cause number?

23 A. Yes.

24 Q. Going back to page -- first of all, I'll
25 circle 16-1613. Is that the cause number for your

1 case?

2 A. Yes.

3 Q. Okay. Turning to the next page, in Count
4 1 -- I'm not going to ask you about all of them; the
5 defense attorneys may. Was Count 1 a racketeering
6 conspiracy which had what I'll refer to as overt
7 acts in the indictment?

8 A. Yes.

9 Q. And did those acts show what you or -- at
10 least allege what you and other people did on behalf
11 of the SNM Gang?

12 A. Yes.

13 Q. Did you understand that the maximum
14 penalty for your charge is up to 20 years'
15 incarceration?

16 A. Yes.

17 Q. And do you have any agreement with the
18 Government about what your sentence in this case
19 will be?

20 A. No.

21 Q. I'll turn your attention to page 4 of that
22 document. And do you see here on page 4 there is a
23 blocked-out portion or a redaction?

24 A. Yes.

25 Q. And also I'll turn your attention to page

1 5. Same question. Is that blacked-out portion --
2 does your agreement look different in terms of not
3 having a redaction in the middle of it?

4 A. Yes.

5 Q. And can you tell the members of the jury
6 whether that portion of your plea agreement shows
7 what you admitted to for purposes of your plea?

8 A. Yes.

9 Q. And did that include what we referred to
10 as the overt acts from that indictment?

11 A. Yes.

12 Q. I'll turn your attention now to
13 Government's Exhibit 637. What is this document,
14 sir?

15 A. A plea agreement.

16 Q. And what is your understanding of what
17 this document is or what it means?

18 A. That I'm to agree -- well, I pled to my
19 charges in order to give my testimony.

20 Q. Are you supposed to give truthful
21 testimony?

22 A. Yes.

23 Q. Turn your attention to the second page of
24 that document. I've asked you about any agreements
25 with the Government. Do you understand on page 2,

1 paragraph 6 of this document that the Government may
2 move pursuant to 5K1.1 and 18 USC Section 3553(e)
3 for a downward departure?

4 A. Yes.

5 Q. And if the Government files that on your
6 behalf, you understand that your sentence could be
7 reduced from what the guidelines say it should be?

8 A. Yes.

9 Q. Now, in your case, are you aware of any
10 minimum term of imprisonment you're facing?

11 A. No.

12 Q. So in your case, even if the Government
13 didn't file that motion, is the judge bound by any
14 minimum term incarceration for your charge?

15 A. No.

16 Q. And is this the charge -- the RICO
17 conspiracy the charge that was brought against you
18 when you were first arrested?

19 A. Yes.

20 Q. When you were first arrested, were you in
21 jail?

22 A. No.

23 Q. And were you living on the streets back
24 then?

25 A. Yes.

1 Q. And by living on the streets, were you not
2 in prison?

3 A. Yes.

4 Q. And then you were arrested in this case;
5 is that correct?

6 A. Yes.

7 Q. And did you remain in jail for a time on
8 your new charges?

9 A. Yes.

10 Q. At some point were you released from
11 custody?

12 A. Yes.

13 Q. And are you still on conditions of release
14 now?

15 A. Yes.

16 Q. When you were on conditions of release,
17 can you tell the members of the jury whether you
18 tested positive for any controlled substance?

19 A. I tested positive three times.

20 Q. For what substance?

21 A. For heroin.

22 Q. Why were you using heroin?

23 A. I was -- I was given opiate medication for
24 my arthritis. And when the medication wasn't
25 working, I turned to heroin for the pain.

1 Q. Did you do that three times?

2 A. Yes.

3 Q. And after you violated the Court's
4 conditions, were you once again placed in jail?

5 A. Yes.

6 Q. And then at that point did you tell the
7 Court that you would not violate your conditions
8 anymore and were you released?

9 A. Yes.

10 Q. And by "the Court," I should say, was it
11 actually a different judge than the judge sitting in
12 court today?

13 A. Yes.

14 Q. And since that time, have you turned in
15 another positive urinalysis?

16 A. No.

17 Q. Do you understand if you violate your
18 conditions of release that you can be returned to
19 jail again?

20 A. Yes.

21 Q. Now, over the years, since we're talking
22 about drug use, what drugs have you used over the
23 years?

24 A. All of them.

25 Q. What?

1 A. Methamphetamines, coke, heroin, acid.

2 Q. When you say "acid," is that LSD?

3 A. LSD.

4 Q. At some point did you have a problem with
5 methamphetamine?

6 A. Yes.

7 Q. What did you do in response to having the
8 methamphetamine addiction or problem?

9 MR. CASTLE: Objection, relevancy.

10 THE COURT: Overruled.

11 A. I see counseling, intensive counseling.

12 BY MR. CASTELLANO:

13 Q. And with the help of that counseling, were
14 you able to move past the methamphetamine addiction?

15 A. Yes.

16 MR. CASTELLANO: May I have a moment, Your
17 Honor?

18 THE COURT: You may.

19 MR. CASTELLANO: Thank you, Your Honor. I
20 pass the witness.

21 THE COURT: All right. Thank you,
22 Mr. Castellano.

23 Mr. Castle, do you have cross-examination
24 of Mr. Armijo?

25 MR. CASTLE: Yes, I do, Your Honor.

1 THE COURT: Mr. Castle.

2 CROSS-EXAMINATION

3 BY MR. CASTLE:

4 Q. Mr. Armijo, Mr. Castellano was questioning
5 you. I found that you admitted as far as your
6 criminal history to a marijuana probation violation,
7 a '99 methamphetamine conviction, and a 2007
8 conviction for stolen car with methamphetamine; is
9 that right?

10 A. Yes.

11 Q. And that's all your felonies?

12 A. No.

13 Q. Okay. Let's talk about that. Your first
14 one was in 1991 for aggravated assault; is that
15 correct?

16 A. Yes.

17 Q. That's the first one. The second one was
18 the escape that you talked about?

19 A. Yes.

20 Q. The third one was for commercial burglary?

21 A. Yes.

22 Q. The fourth one was for possession of
23 methamphetamine that you did talk about?

24 A. Yes.

25 Q. A fifth one was for another distribution

1 of controlled substance in 2001?

2 A. Yes.

3 Q. A sixth one was for possession of
4 controlled substance in 2006?

5 A. Yes.

6 Q. A seventh one was for the motor vehicle
7 theft that you admitted?

8 A. Yes.

9 Q. You had an eighth, which was another motor
10 vehicle theft?

11 A. Yes.

12 Q. A ninth, which was an aggravated battery
13 on a household member?

14 A. Yes.

15 Q. A tenth one was aggravated attempted
16 battery upon a peace officer, and that was in 2007;
17 right?

18 A. Yes.

19 Q. That's ten convictions, ten felonies.

20 A. Yes.

21 Q. Do you know what a career offender is?

22 A. Yes, I do.

23 Q. Someone with two or more drug convictions;
24 right?

25 A. Yes.

1 Q. What is the result of being a career
2 offender?

3 A. Steeper penalties, I guess.

4 Q. A lot steeper penalties; correct?

5 A. Yeah.

6 Q. Mr. Armijo, you talked about two
7 statements that you said Mr. Billy Garcia made to
8 you; is that right? Two times, that's what you just
9 testified?

10 A. One statement he made to me; one I made to
11 him.

12 Q. Okay. And the one that he made to you you
13 said was in 2008 at MDC; correct?

14 A. Yes.

15 Q. And the one you said that you made to him
16 was at Southern New Mexico Correctional Facility in
17 what year?

18 A. I want to say it was before that time.
19 I'm not sure.

20 Q. Just give us a ballpark, sir. Was it
21 before or after 2010?

22 A. After.

23 Q. After 2010?

24 A. Yes.

25 Q. I want to pull up Exhibit 83 if we could.

1 You're familiar with the Southern New Mexico
2 Correctional Facility; right? You spent a lot of
3 time there?

4 A. Yes.

5 Q. And at one time I think you were the
6 shot-caller there?

7 A. Yes.

8 Q. A couple times, actually; right?

9 A. Yes.

10 Q. So you're familiar with the unit. I'm
11 showing you Exhibit 83, the location history of
12 Mr. Billy Garcia. And if you see right here, it was
13 here in March for a few days, two or three weeks, in
14 the Southern New Mexico Correctional Facility. Do
15 you see that?

16 A. Yes.

17 Q. And then he moves to Penitentiary of New
18 Mexico on March 29, 2001. Do you see that?

19 A. Yes.

20 Q. Now, look above it. Do you see anytime
21 that he was in Southern New Mexico Correctional
22 Facility?

23 A. Do I see any other time?

24 Q. Yes, above that line. 2001, '02, '03,
25 '07, '08, '09, '10, '12. Was he ever in Southern

1 New Mexico Correctional Facility?

2 A. No. I never said he was.

3 Q. You said, sir, that when you confronted
4 him and had that discussion with him, that he was in
5 the Southern New Mexico Correctional Facility.

6 A. I said --

7 Q. Did you not?

8 A. No, I did not.

9 Q. Oh, okay. Well, we'll look at the
10 transcript here.

11 A. Okay. I said we were at the South
12 facility at PNM.

13 Q. Okay. Mr. Armijo, I want to talk to you
14 about who you were loyal to during the years that
15 you were in the SNM.

16 A. Okay.

17 Q. By the way, when did you start in the SNM?
18 What year?

19 A. 1993.

20 Q. And when did you stop?

21 A. Around 2012.

22 Q. Are you sure it wasn't when you took this
23 plea bargain?

24 A. No.

25 Q. You didn't renounce and go into any kind

1 of renouncing program; right?

2 A. No.

3 Q. So would I be correct, until his death you
4 were absolutely loyal to Angel Munoz?

5 A. I was loyal to the SNM.

6 Q. And loyal to Angel Munoz; correct?

7 A. Yes.

8 Q. You were his bodyguard?

9 A. Yes.

10 Q. His enforcer?

11 A. Yes.

12 Q. If he told you to do a hit on someone, you
13 did it?

14 A. Yes.

15 Q. You were essentially Angel Munoz's hit
16 man?

17 A. Yes.

18 Q. And when did he die? Was it around 2004?

19 A. Yes.

20 Q. In fact, you were so loyal to him, you
21 named your son after him; right?

22 A. Yes.

23 Q. And made Angel Munoz your son's godfather?

24 A. Yes.

25 Q. If Angel Munoz ordered you to do a hit,

1 you didn't demand from him paperwork, did you?

2 A. He wouldn't do it without it.

3 Q. So all he would have to have was
4 paperwork, but he could order you to do a hit and
5 you'd do it; correct?

6 A. Yes.

7 Q. Now, we heard today a discussion where you
8 admitted that when you came down to the Southern New
9 Mexico Correctional Facility in 2001, that you were
10 ordered by Angel Munoz to take over the keys to that
11 facility; is that right?

12 A. Yes.

13 Q. Now, you've made six separate statements
14 about your knowledge of the SNM Gang to the
15 Government; is that right?

16 A. Yes.

17 Q. And you've testified previously about it?

18 A. Yes.

19 Q. And you had a plea agreement where you
20 listed facts about your knowledge; correct?

21 A. Yes.

22 Q. And none of those documents or that
23 testimony -- in none of those instances did you ever
24 admit that you were sent down by Angel Munoz in 2001
25 to take over the Southern New Mexico Correctional

1 Facility; correct?

2 A. What do you mean?

3 Q. You never admitted that. You never said
4 to them, "Hey, Government, I was sent down in early
5 2001 with orders from Angel Munoz." You have never
6 admitted that before?

7 A. Yes, we have.

8 Q. Well, when did you first tell them about
9 that?

10 A. I think it was my first debriefing before
11 I was released.

12 Q. We'll show you. While we're pulling it
13 up, it's accurate that the first time you told
14 anyone about it was after the beginning of this
15 trial when the defense mentioned this in our opening
16 statement?

17 A. No.

18 Q. Was your first debrief on July 11 of 2016?

19 A. Yes.

20 Q. Page 43666 of discovery.

21 Mr. Armijo, take a look at that and tell
22 us where it says that.

23 A. I don't see it on here.

24 Q. Okay. And if it's in any of the other
25 five statements or the testimony, or in your plea

1 agreement, I'm sure the Government will show you
2 that on redirect.

3 A. Okay.

4 Q. Sir, you -- well, Mr. Munoz, we've already
5 established, is dead; is that right?

6 A. Yes.

7 Q. When he gave you his orders about what you
8 were to do when you got to Southern New Mexico
9 Correctional Facility in 2001, who was a part of
10 that conversation?

11 A. Just me and him.

12 Q. So as far as what the content of that
13 information was, only you two would know?

14 A. Yes.

15 Q. But you, in fact, when you got to the
16 Southern New Mexico Correctional Facility, told
17 people there why you were sent and that you were
18 sent by Angel; correct?

19 A. No.

20 Q. So you just took over the facility without
21 telling anyone there?

22 A. No, I told them. But I wasn't sent there
23 for that reason. I was sent there because that's
24 where the Corrections decided to send me.

25 Q. How long before you left did you know that

1 you were going to Southern New Mexico Correctional
2 Facility?

3 A. I think like about a week.

4 Q. So you don't get much advance notice?

5 A. No.

6 Q. So within that week, you get on the phone
7 and talk to Angel Munoz; correct?

8 A. No.

9 Q. When was it that you talked to Angel
10 Munoz?

11 A. When I got to Southern.

12 Q. Using your own phone account?

13 A. No.

14 Q. Whose?

15 A. I used the phone from the facility.

16 Q. Yeah, but was it on your account, or was
17 it on a third person's account?

18 A. We didn't have accounts back then, I don't
19 think; not that I remember.

20 Q. Let's go back to your relationship with
21 Mr. Munoz. You would do whatever he wanted without
22 question; correct?

23 A. Yes.

24 Q. He was -- at least by, let's say, 2000, he
25 was the top man, jefe, in the organization; correct?

1 A. Yes.

2 Q. And would you attend meetings of the tabla
3 with him, that he formed a tabla in 2000? Do you
4 recall that?

5 A. Yes, I recall it.

6 Q. Do you know how many people are part of
7 the tabla?

8 A. There was four, four or five people, I
9 think.

10 Q. And so those would be kind of the second
11 level of command; correct?

12 A. Yes.

13 Q. Were you part of that tabla?

14 A. No.

15 Q. But Leroy Lucero was?

16 A. I don't know.

17 Q. You were his bodyguard?

18 A. Yeah.

19 Q. When the tabla would meet, wouldn't you be
20 around?

21 A. The tabla was formed at the North facility
22 in Santa Fe, New Mexico. And there was members that
23 were there where it was formed at.

24 Q. Let's move on. You followed Angel not
25 only in the facility but out of the facility; right?

1 A. Yes.

2 Q. And I believe that you testified
3 previously that you sent drugs and money in to Angel
4 Munoz; is that accurate?

5 A. That's inaccurate. I said I sent money,
6 but not drugs.

7 Q. I apologize. I must have misspoke.

8 A. No problem.

9 Q. When he got out, when Angel Munoz got out
10 in 2000, you were already out; is that right? Or
11 who got out first?

12 A. Angel did.

13 Q. And then he was still the jefe?

14 A. Yes.

15 Q. And he began to run the drug business in
16 New Mexico for the SNM when he got out?

17 A. No.

18 Q. Who did?

19 A. It wasn't owned by anybody.

20 Q. Well, he would have had a piece of it;
21 right?

22 A. He was more or less selling for his own
23 personal use.

24 Q. When Angel left the prison in 2000, then
25 he went back in; do you recall that?

1 A. Yes.

2 Q. So he wasn't out very long?

3 A. No.

4 Q. And when he left -- when he went back in,
5 did you become aware that a person by the name of
6 Julian Romero had gotten in a relationship with
7 Styx's -- with Gerald Archuleta's wife?

8 Q. Yes.

9 Q. And that was around August of 2000; is
10 that right?

11 A. I'm not sure.

12 Q. When Angel got out, he put Styx in charge;
13 correct?

14 A. Yes.

15 Q. So if anybody was inside after Angel got
16 out, Angel instructed his followers to follow Styx?

17 A. Yes.

18 Q. And that would include you?

19 A. Yes.

20 Q. And that would include 2001 and after?

21 A. To follow Styx?

22 Q. Yes.

23 A. No.

24 Q. Well, Styx was the leader after that,
25 correct, inside the facility?

1 A. Yeah, kind of.

2 Q. Well, Angel left him the keys?

3 A. At that facility, yes.

4 Q. Well, he left him the keys to inside the
5 prisons, didn't he?

6 A. Not really, no.

7 Q. Okay. We'll talk about that in a little
8 while. At the time of the indictments -- let's just
9 talk about the time the indictments came down. You
10 considered Styx to be the leader of the SNM at that
11 point in time; is that right?

12 A. Yes.

13 Q. And in fact, Styx, Mr. Archuleta, was a
14 friend of yours?

15 A. Yes.

16 Q. And all the way until the indictments came
17 down, you and he would communicate from time to
18 time; is that right?

19 A. Yes.

20 Q. And you knew that he had moved to
21 Tennessee?

22 A. Yes.

23 Q. You would send him drugs by U.S. mails?

24 A. I would send him Suboxones, yes.

25 Q. That's narcotics?

1 A. No.

2 Q. Well, it's drugs that you're not supposed
3 to distribute unless you get a prescription for it;
4 correct?

5 A. It's an opiate blocker; it's not a drug.

6 Q. Well, but you know that it can act -- give
7 someone a big high who hasn't had any drugs in a
8 while?

9 A. Not that I know of. It don't get me high.

10 Q. So are you saying that the inmates that
11 import Suboxone into the prison do it because
12 they're trying to treat their addiction?

13 A. I have no idea why they do it.

14 Q. You never knew that was happening all the
15 time that you've been in prison?

16 A. I know it was happening, but I don't know
17 why they do it.

18 Q. Were you helping Styx out with his
19 addiction by sending him Suboxone through the U.S.
20 mails?

21 A. It was keeping him off heroin, yes.

22 Q. Okay. So he couldn't get it from his
23 doctor, so you had to become his doctor, I take it?

24 A. No, I wasn't his doctor, no.

25 Q. It's illegal, it's a felony, a federal

1 felony to distribute Suboxone by the U.S. mails
2 unless you're a pharmacy or a doctor; correct?

3 A. I guess so.

4 Q. And have you been indicted for that or
5 charged with that?

6 A. No.

7 Q. That would be a federal offense across
8 state lines; correct?

9 Q. I have no idea.

10 Q. Am I correct that you can send mail of
11 sorts -- at least back in 2000, 2001 you could send
12 mail from one inmate to another inmate at another
13 facility?

14 A. Yes.

15 Q. And in fact, you availed yourself of those
16 privileges from time to time?

17 A. Writing other inmates?

18 Q. Yes.

19 A. Yes.

20 Q. Prior to today, were you able to review a
21 letter dated June 21, 2009, that you sent to Gerald,
22 Styx, Archuleta with some coded language in it? Do
23 you recall that?

24 A. I remember writing the letter, but there
25 was no coded language in it.

1 Q. Well, do you recall there being some
2 discussions of blondies and donuts and things of
3 that nature?

4 A. Yes, I do.

5 Q. Those are referencing what exactly?

6 A. A blond female and her asshole, a donut.
7 Sorry.

8 Q. Do you recall being indicted in this
9 indictment CR-161613 --

10 A. Yes.

11 Q. And in fact, you were indicted for this
12 letter because it was considered gang activity;
13 correct?

14 A. Yes.

15 Q. And it discussed .9 millimeter and .45
16 caliber firearms?

17 A. No. They assumed it did, but it never
18 did.

19 Q. Have you had an opportunity to look at
20 your presentence report in this case?

21 A. No.

22 Q. Never?

23 A. No.

24 Q. It was filed with the Court on October 20,
25 2017.

1 A. Yes, I know.

2 Q. And you have an attorney; right?

3 A. Yes.

4 Q. And he's here in this courtroom today?

5 A. No.

6 Q. He's not?

7 A. No.

8 Q. Did he tell you I provided a copy for him
9 to review with you before you came here on the
10 stand?

11 A. Yes.

12 Q. Even though the presentence report is what
13 goes to the judge and will determine your future in
14 many respects, you claim to never have read it?

15 A. I've never read it.

16 Q. Why?

17 A. My lawyer is a busy man, and I work a lot.

18 Q. So let me see, October 20 -- like six
19 months have passed? You're not at all curious about
20 what they're saying about what time you should
21 serve, things of that nature? You're not curious?

22 A. Of course.

23 Q. You still haven't read it?

24 A. No.

25 Q. In any event, back in 2009 -- actually,

1 hold on a second.

2 You and Mr. Archuleta were pen pals, at
3 least back then?

4 A. Yes.

5 Q. And do you recall writing to him and
6 discussing the status of certain SNM members in the
7 gang?

8 A. I think so, yes.

9 Q. We're going to pull it up here in a
10 second. I believe you respected Styx because he was
11 crazy and because of some of the past crimes he had
12 committed.

13 A. Yes.

14 Q. Now, you're aware that Billy Garcia was a
15 follower of Julian Romero; is that right?

16 A. I don't think Billy was a follower, no.

17 Q. Well, when this problem happened between
18 Styx and Julian, people took sides; correct?

19 A. Some people, yes.

20 Q. Were you aware that Mr. Garcia took
21 Julian's side?

22 A. Yes.

23 Q. And that started way back late summer
24 2000; correct?

25 A. I guess so.

1 Q. You and Billy actually didn't get along.

2 A. At one time we did, yes.

3 Q. Well, when was that?

4 A. I would say when I first -- when I first
5 got into prison.

6 Q. What year was that?

7 A. When I was first moved to the South
8 facility, we kind of had a little issue. But after
9 that issue, we seemed to get along pretty good.

10 Q. Well, let's go through some of the records
11 if we can for a minute. You saw that exhibit where
12 it showed your movement history; right?

13 A. Yes.

14 Q. And I think you already talked about on
15 direct that you arrived at Southern on January 18 of
16 2001?

17 A. Yes.

18 Q. You were held in orientation unit for five
19 days. Do you recall that?

20 A. Yes.

21 Q. So on January 23, you went into general
22 population.

23 A. I guess so.

24 Q. Do you want to take a look at the exhibit
25 again?

1 A. No, if it says what it says.

2 Q. Well, you only lasted in general
3 population from the 23rd of January to February 2.
4 Does that sound about right?

5 A. Yes.

6 Q. So nine days or ten days, I guess?

7 A. Yes.

8 Q. And then after those ten days, you were
9 put in the hole at Southern?

10 A. Yes.

11 Q. And on February 5th, you were shipped out
12 of Southern New Mexico Correctional Facility;
13 correct?

14 A. Yes.

15 Q. You weren't the only one that was shipped
16 out on that date. Also Lino Giron and a man by the
17 name of Nick Chavez, also known as T Bone -- all
18 three of you were shipped out of the facility on the
19 same date?

20 A. Yes.

21 Q. Nick Chavez was pretty high up at the time
22 in the SNM; right?

23 A. Yes.

24 Q. Now, do you recall that you were housed in
25 the yellow pod while you were in general population?

1 A. In 2001?

2 Q. Yes. Do you want to take a look at that
3 exhibit. Let's take a look at that exhibit.

4 If we could pop 635 back up on the screen.

5 Let's scroll down, if we could, to the
6 next page. Zoom in on the 2001 time period. So
7 here we have you came on January 18?

8 A. Correct.

9 Q. And this period right here is when you
10 went in the orientation unit. Do you see that?

11 A. Yes.

12 Q. And then you went to general population,
13 into the yellow unit. Do you see that?

14 A. Yes.

15 Q. And then after that, this one, SJ-1, on
16 February 2nd, that's the hole. That's where you're
17 locked down 23 hours a day, normally for bad
18 behavior, or you check yourself in, or something?

19 A. Yes.

20 Q. That was a pod where Looney, Rolando
21 Garza, lived. Do you recall that?

22 A. In my pod?

23 Q. Yes.

24 A. No.

25 Q. Do you recall that Leroy Lucero was in

1 that pod, as well?

2 A. I don't remember.

3 Q. Well, you were taking over the facility;
4 right?

5 A. Right.

6 Q. I mean, you had to know where all the
7 biggest of the SNM members were when you tried to
8 take over a facility like that; right?

9 A. It's a big facility and I had only been
10 there a few days.

11 Q. Well, you know, when you come in and try
12 to take over a facility like that in the SNM, there
13 might be people that don't agree with you taking it
14 over. Would that be fair?

15 A. At the time, no.

16 Q. Well, Leroy Lucero -- you don't recall him
17 being there at all?

18 A. Yes, he was there.

19 Q. And he had been on the tabla for Angel?

20 A. At the North facility, yes.

21 Q. Who was on the tabla at Southern New
22 Mexico Correctional Facility when you arrived?

23 A. There wasn't one there.

24 Q. There was no tabla at all?

25 A. No.

1 Q. Lino was running it; correct?

2 A. And T Bone, yes.

3 Q. The two of them?

4 A. Yes.

5 Q. And did you talk to them about who
6 their -- who the people were that they trusted the
7 most right under them?

8 A. No.

9 Q. Who was your most trusted person in the
10 time that you had taken over the keys at Southern?

11 A. No one.

12 Q. So you trusted no one?

13 A. No.

14 Q. Did you come down with some orders to
15 start cleaning up things in the Southern New Mexico
16 Correctional Facility?

17 A. No.

18 Q. Well, you did -- let's take a look here
19 for a second. I don't remember if you said nine or
20 ten days you were on the yard; is that right?

21 A. Yes.

22 Q. In the nine or ten days that you were
23 there, you coordinated multiple assaults on inmates.
24 Do you recall that?

25 A. No, I do not.

1 Q. Do you recall that you coordinated a riot
2 against the black inmates?

3 A. What year was this?

4 Q. 2001.

5 A. No.

6 Q. Were there more than one riot that you
7 might have coordinated or organized against the
8 black inmates?

9 A. There was one riot, and that happened in
10 1995.

11 MR. CASTLE: May I approach the witness,
12 Your Honor?

13 THE COURT: You may.

14 BY MR. CASTLE:

15 Q. I want to show you a report, an interview
16 you did on August of 20, 2016, with your attorney
17 there, Task Force Officer Chris Cupit, Saucedo,
18 Christopher Maestas. Do you see that?

19 A. Um-hum.

20 Q. Do you see here that what you told them is
21 that during your time at the South, Angel and you
22 coordinated multiple assaults in a riot against the
23 blacks; is that correct?

24 A. Yes.

25 Q. Okay. And they're talking about the

1 Southern New Mexico Correctional Facility.

2 A. Yes, in 1995.

3 Q. Okay. So the assaults that you're talking
4 about that happened -- it might have just -- I think
5 you said you were ordering some debts to be
6 collected, drug debts?

7 A. I didn't order no drug debts to be
8 collected. There was drug debts that people wanted
9 to collect or were being withheld from doing solo,
10 so I told them, "If people owe you money, then go
11 get your money."

12 Q. Who did you tell that to?

13 A. To whoever was complaining to me about it.

14 Q. Give us a name, sir.

15 A. I don't recall the names. Just several
16 people.

17 Q. You've been telling us things that
18 happened back in 2001 and over the years, and you've
19 given us names on a number of occasions, I think
20 about half the defendants here.

21 A. Right.

22 Q. Tell us who was under you who you told in
23 2001 this information about the drug debts.

24 A. Give me a list, and I'll tell you.

25 Q. Well, I can't. I'm asking you for the

1 list.

2 A. I don't remember everybody that was there.

3 Q. Give us one name.

4 A. One name that was there?

5 Q. One person that you told, "Hey, stop, you
6 know, collecting drug debts, or" --

7 A. There were several people.

8 Q. Okay. Do you know a guy by the name of
9 Eugene Martinez, Little Huero?

10 A. Yes.

11 Q. Was he in the unit that you lived in?

12 A. Not that I recall, no.

13 Q. Do you know who lived in the unit you
14 lived in?

15 A. No, I don't remember.

16 Q. Well, in your -- in the indictment that
17 you received, it said that you and other SNM members
18 assaulted inmates, and they have four initials: AB,
19 AM, ID, and JC. And those people were assaulted
20 while you were at the Southern New Mexico
21 Correctional Facility in 2001. Do you recall
22 reading that?

23 A. No. I know those initials. I don't
24 recall the time, and I was not involved in any
25 assaults while -- the ten days I was there.

1 Q. I'll show you a report of another
2 interview you did on February 27, 2014. This is
3 with Agent Acee, who has been missing this week,
4 part of it, but you know who he is; right?

5 A. Yes.

6 Q. He was with you; right? And your
7 attorney?

8 A. Um-hum.

9 Q. You have to say yes, so she can report it
10 down.

11 A. Yes.

12 Q. And they went over all the overt acts that
13 were alleged in your indictment and talked to you
14 about that; correct?

15 A. Yes.

16 Q. And one of them was here, Overt Act No.
17 58. "In 2001, Armijo was one of the senior members
18 of the SNM Gang at Southern New Mexico Correctional
19 Facility in Las Cruces. Armijo and other SNM
20 members assaulted inmates AB, AM, ID, and JC."

21 You said the assaults were the result of
22 those victims not paying taxes to the SNM. Do you
23 recall that?

24 A. I remember making the statements, but I
25 don't remember the time when it happened.

1 Q. Okay. So who are these four -- sounds
2 like you gave them some names and they put down
3 initials here.

4 A. I never gave them any names. The names
5 were already --

6 Q. Known?

7 A. -- that were on there, yeah. Well,
8 supposedly on the reports from the STIU.

9 Q. And how were they assaulted?

10 A. I have no idea.

11 Q. Were they stabbed?

12 A. I have no idea.

13 Q. Strangled?

14 A. No idea.

15 Q. You were shipped out ten days later?

16 A. Yes.

17 Q. I mean, it's a big deal for them to ship
18 you from facility to facility. They've got to box
19 everything up; you got to close out your accounts,
20 you got to move to another facility.

21 A. I didn't even have time to really unpack,
22 no.

23 Q. They just falsely accused you of causing
24 some problems and shipped you out?

25 A. They had accused me of assaults, and said

1 that I had bruises and cuts on my hand, yes.

2 Q. Okay. So this concept of telling these
3 unknown members of the SNM that they shouldn't
4 tolerate people not paying their drug debts and
5 taxes -- where did you come up with that idea?

6 A. It's --

7 Q. Well, did Angel tell you to do that?

8 A. No.

9 Q. Tell us a little bit more about this
10 conversation with Angel. Okay. You get to Southern
11 New Mexico Correctional Facility. You say you get
12 on the phone with him --

13 A. Yes.

14 Q. -- and call him?

15 A. Yes.

16 Q. Was this prearranged, or were you just
17 checking in?

18 A. I just called him.

19 Q. Tell us about the conversation. What did
20 he say? What did he tell you?

21 A. I told him about the situation, the things
22 that were going on over there, and how people were
23 complaining about the poor leadership. And he told
24 me, "Well, go ahead and take over the keys and do
25 what's got to be done."

1 Q. Okay. And you did what had to be done?

2 A. I didn't do anything.

3 Q. Oh. Well, in the ten days that you were
4 there, you paid Looney, Rolando Garza, a visit. Do
5 you recall?

6 A. Who?

7 Q. Rolando Garza, Looney.

8 A. No.

9 Q. Well --

10 A. I met him, like, twice while I was there
11 in the facility. That's it.

12 Q. Okay. So you did meet him while you were
13 at the Southern facility before he died?

14 A. Yes, I just said I met him twice while I
15 was there.

16 Q. Okay. And you also paid Pancho, Frank
17 Castillo, a visit out in the yard?

18 A. He was my workout partner.

19 Q. At the Southern facility?

20 A. Yes.

21 Q. Sir, I'm going to ask you a question and I
22 want you to listen to it and then answer. Okay?

23 A. Okay.

24 Q. When you went down to Southern New Mexico
25 Correctional Facility, did you, in fact, bring down

1 orders from Angel Munoz that Pancho and Looney were
2 to be murdered?

3 A. No.

4 Q. Did you tell Leroy Lucero that?

5 A. No.

6 Q. Have you ever been asked by the FBI or the
7 U.S. Attorneys that question before?

8 A. No.

9 Q. They've never questioned you about it?

10 A. No.

11 Q. They haven't shown you reports that --
12 about it?

13 A. No -- well, yeah, they did. They brought
14 up something about -- he had said that I had
15 knowledge of it.

16 Q. Okay. Now, you say that you got shipped
17 out because of some people getting assaulted?

18 A. Yes.

19 Q. Did that involve Lino, and did that
20 involve Nick Chavez?

21 A. No.

22 Q. But all three of you were shipped out on
23 the exact same day?

24 A. Yes.

25 Q. Do you think it might have been because

1 the corrections officers caught wind that there were
2 a couple of murders that were going to happen?

3 A. I think if they caught wind of a couple
4 murders were going to happen, they would have got
5 rid of the people that were going to get murdered,
6 or lock the whole facility down.

7 Q. Or get rid of the murderers?

8 A. Yeah.

9 Q. I want to talk to you about your
10 friendship with Styx. When do you think that began?

11 A. I'd say in the early 2000s.

12 Q. And when did that end? When the
13 indictment came down?

14 A. It never ended.

15 Q. Okay. You're still friends with him?

16 A. I don't correspond with him or have
17 contact with him, no.

18 Q. And after -- do you recall when it was
19 that Angel passed kind of the authority inside the
20 prison over to Styx?

21 A. No.

22 Q. Would it have been -- well, it would have
23 been before his death in 2004; right?

24 A. Obviously, yes.

25 Q. You have indicated that in 2008 you were

1 in the Metropolitan Detention Center with Mr. Garcia
2 when he supposedly had this statement with you;
3 right?

4 A. Yes.

5 Q. How big are you?

6 A. 6'3".

7 Q. How much do you weigh?

8 A. About 240.

9 Q. Mr. Garcia is about 5'9"?

10 A. Yes.

11 Q. You're quite a bit bigger than him; right?

12 A. Yes.

13 Q. The reason you were Angel Munoz's
14 enforcer, one of the reasons, is you could kill
15 somebody with your bare hands?

16 A. Probably, yes.

17 Q. Now, Billy Garcia was already an enemy of
18 Styx Archuleta in 2008; correct?

19 A. I don't know. I don't know if I would say
20 enemy, no.

21 Q. He wasn't an enemy?

22 A. Not that I know of, no.

23 Q. You didn't know about the fact that Styx
24 had a hit out on him?

25 A. There was no hit on him from Styx.

1 Q. Okay. By this time, by 2008, Julian
2 Romero had already been attempted to be murdered by
3 Styx and his followers; correct?

4 A. Correct.

5 Q. Not correct?

6 A. Yes, correct.

7 Q. By that time, Frederico Munoz, a follower
8 of Styx, had already tried to kill Billy Garcia.
9 Were you aware of that?

10 A. No.

11 Q. In any event, you were a follower of Styx
12 by then, 2008?

13 A. I was never a follower, no.

14 Q. You were his part of the split and divide?

15 A. No.

16 Q. In any event, what your testimony is is
17 6'3", Jake Armijo, you're built like a rock;
18 correct?

19 A. Okay.

20 Q. And you approach 5'9" Billy Garcia?

21 A. Right.

22 Q. And you tell him, "My good friend, my
23 workout partner, was murdered"?

24 A. No.

25 Q. And then he confesses to it and walks

1 away. Is that your testimony?

2 A. We were locked down in cells. So when we
3 came out for our tier time, it was one person at a
4 time, and the conversation we had was through a
5 door, so he was secured in his cell.

6 THE COURT: Mr. Castle, would this be a
7 good place for us to break for the evening?

8 MR. CASTLE: Could I ask just a couple
9 more questions?

10 THE COURT: You may.

11 BY MR. CASTLE:

12 Q. You said that you gave up your gang life
13 in 2012?

14 A. Yes.

15 Q. In 2012 did you tell the story about Billy
16 Garcia admitting to killing your good friend, your
17 workout partner, Frank Castillo?

18 A. Did I tell who?

19 Q. Any law enforcement in 2012.

20 A. No.

21 Q. How about 2013?

22 A. No.

23 Q. How about 2014?

24 A. No.

25 Q. How about 2015?

1 A. No.

2 Q. It wasn't until you got a deal; correct?

3 A. Yes.

4 Q. And you know that you wouldn't have gotten
5 a deal if all you did was admit your own crimes and
6 you didn't give up some information on somebody who
7 was fighting their charges; yes or no?

8 A. Yes.

9 MR. CASTLE: No more questions right now,
10 tonight.

11 THE COURT: Tonight.

12 MR. CASTLE: I think everybody knows me
13 well.

14 THE COURT: Well, my wife and I have been
15 going out each night. But she said tonight I might
16 be able to bring some food home and watch the NFL
17 draft. Let's see what the Cowboys does, if they get
18 anybody good, replace Dez Bryant.

19 All right. Appreciate your hard work.
20 Y'all have a good evening. We'll see you at 8:30 in
21 the morning.

22 (The jury left the courtroom.)

23 THE COURT: All right. Y'all have a good
24 evening. I appreciate your hard work.

25 (The Court stood in recess.)

1 April 27, 2018

2
3 THE COURT: Okay. It looks like we have
4 all the defendants in the courtroom and an attorney
5 for each defendant. Is there anything we need to
6 discuss before we bring the jury in? The jury is a
7 little slower today. We're still missing about two,
8 so we may have a little time.

9 How about from the Government?

10 MR. CASTELLANO: No, Your Honor.

11 THE COURT: How about from the defendants?

12 All right. We'll just stay in recess
13 until we get our jurors here.

14 (A discussion was held off the record.)

15 THE COURT: Let me go over one thing. The
16 Government filed a writ of habeas corpus to get
17 Rayna Blea here. It looked like everybody didn't
18 oppose it, other than Mr. Benjamin and Mr. Gallegos
19 opposed. Anything else you want to say on that? I
20 can't really make a determination as to whether she
21 has personal knowledge until she gets here.

22 Anything else you want to say?

23 MR. BENJAMIN: No, Your Honor. I hope
24 that message got passed. I don't know that I have
25 any position on her being drug down here,

1 essentially, but it's whether she testifies that I
2 have an issue.

3 THE COURT: All right. I'll go ahead and
4 have that entered, and we'll just deal with it when
5 she gets here. Are they ready?

6 All rise.

7 (The jury entered the courtroom.)

8 THE COURT: Everyone be seated. I
9 understand Ms. Bevel had donuts for you, so it must
10 be Friday. I used to be down here a lot back in the
11 early 2000s, and we'd go to Bosa Donuts. We used to
12 call it Bozo Donuts.

13 Well, my wife and I didn't stay indoors
14 last night. We walked over to Buffalo Wings and
15 watched the draft and watched the Cowboys take a
16 Mountain West player, three from the Mountain West
17 in the first round, so it was a good evening for the
18 competition. Didn't see any New Mexico boys taken,
19 but it was a fun draft.

20 All right. If we'll get Mr. Armijo back
21 in here. Mr. Armijo, if you'll come back up to the
22 witness box, and I'll remind you that you're still
23 under oath.

24 Mr. Castle, if you wish to continue your
25 cross-examination of Mr. Armijo, you may do so at

1 this time.

2 MR. CASTLE: Thank you, Your Honor.

3 THE COURT: Mr. Castle.

4 MANUEL JACOB ARMIJO,
5 after having been previously duly sworn under
6 oath, was questioned, and continued testified as
7 follows:

8 CONTINUED CROSS-EXAMINATION

9 BY MR. CASTLE:

10 Q. Mr. Armijo, yesterday there was some
11 discussion about whether you had said that one of
12 the two meetings was with Mr. Garcia at the Southern
13 New Mexico Correctional Facility, and you said, "No,
14 I'd only said -- I'd said it was at the South, PNM
15 South."

16 Do you recall that?

17 A. Yes.

18 Q. And I told you we'd have an opportunity
19 today to go over it and see what you had to say. Do
20 you recall these questions being asked and these
21 answers being given --

22 A. Yes.

23 Q. Well, I'll give you the questions and
24 answers first. Okay?

25 A. Okay.

1 Q. "Mr. Armijo, you talked about two
2 statements" -- well, this is the question. Okay?

3 "Mr. Armijo, you talked about two
4 statements that you said Mr. Billy Garcia made to
5 you; is that right? Two times? That's what you
6 just testified."

7 The answer, you said: "One statement made
8 to me, and one I made to him."

9 Question: "Okay. And the one he made to
10 you was in 2008 at MDC, correct?"

11 And your answer was: "Yes."

12 And the follow-up question: "The one you
13 said that you made to him was at Southern New Mexico
14 Correctional Facility in what year?"

15 And your answer was: "I want to say it
16 was before that time. I'm not sure."

17 Question: "Just give us a ballpark, sir.
18 Was it before or after 2010?"

19 You said: "After."

20 "After 2010?"

21 Answer: "Yes."

22 Do you recall those questions and answers
23 being given?

24 A. Yes.

25 Q. Mr. Armijo, I want to talk to you about

1 your time at the Metropolitan Detention Facility. I
2 believe you said it was in 2008 that you had had a
3 conversation with Billy Garcia; is that correct?

4 A. Yes.

5 Q. Do you recall when you were at MDC, you
6 chose a cell that was right next door to Gerald Styx
7 Archuleta?

8 A. I didn't choose a cell. They assigned me
9 a cell.

10 Q. Okay. But you two were then next-door
11 neighbors?

12 A. Yes.

13 Q. Now, do you recall that within around 30
14 days after you moved into the MDC that Billy Garcia
15 checked himself into PC?

16 A. Yes.

17 Q. What does that mean to inmates, when
18 someone checks themselves into PC?

19 A. They're afraid for their life.

20 Q. And are you aware that when Mr. Garcia
21 checked himself into PC, he then had on his records
22 a separation from Gerald Archuleta?

23 A. I don't know. I don't read their records.

24 Q. Okay. Well, when you're in a jail or a
25 prison, there are times when either an inmate

1 requests or the officials, the jail officials, will
2 determine that two different inmates can't be housed
3 together; is that right?

4 A. Right.

5 Q. And there have been people over the years
6 who have requested to be separated from you?

7 A. Yes.

8 Q. Prior to Mr. Garcia checking into PC, did
9 you and Gerald Archuleta have any confrontation
10 where you confronted Mr. Garcia?

11 A. No.

12 Q. Well, you actually had one where you
13 confronted him about Frank Castillo, correct?

14 A. Yes, but it wasn't a confrontation.

15 Q. Do you recall how long you were in the
16 same cell block with Mr. Garcia that you had this
17 interaction with him?

18 A. I believe it was as soon as I got a chance
19 to get out of my cell to talk to him.

20 Q. And how long was that?

21 A. Probably the same day or the next.

22 Q. Now, do you know -- you know Agent Acee,
23 right?

24 A. Yes.

25 Q. And have you had a number of times when

1 you've talked to him?

2 A. Yes.

3 Q. How many would you say were formal
4 interviews?

5 A. All of them.

6 Q. And then how many informal times have you
7 spent time with him, either discussing testimony,
8 driving you, things of that nature?

9 A. He drove me from jail to the court one
10 time. And then -- I think that was it.

11 Q. You haven't had any conversations with him
12 here at the courthouse or things like that?

13 A. Just simple conversation, but nothing
14 about the cases, no.

15 Q. Now, when you first talked to him, I think
16 it was February of 2017, right?

17 A. Yeah.

18 Q. And do you recall when you talked to him
19 that first time, you told him that the first time
20 you'd ever come into personal contact with Billy
21 Garcia wasn't until 2008 or slightly later?

22 A. Right.

23 Q. And when you talked to him that time, you
24 said that where you talked to Billy Garcia was at
25 the PNM North facility?

1 A. PNM South facility.

2 Q. Okay. Now, today you're saying that was
3 at MDC; correct?

4 A. The first time I had a conversation with
5 him about Castillo was, yes, at MDC.

6 Q. Okay. Let's just go over this again.
7 When you first talked to him, on February 24, 2017,
8 you told Agent Acee that your first contact,
9 personal contact, with Billy Garcia wasn't until
10 2008 or slightly later; is that right?

11 A. Yes.

12 Q. And that the first time that you contacted
13 him was at PNM. Do you recall telling him that?

14 A. Yes.

15 Q. About a year later, do you recall that
16 Agent Acee came back and spoke to you again in a
17 formal interview?

18 A. Yes.

19 Q. And did he tell you at that time that he
20 looked at your location history and determined that
21 you weren't in the same prison as Billy Garcia in
22 2008 or 2009?

23 A. I don't remember.

24 Q. Wasn't it that second interview that you
25 indicated for the first time that your discussions

1 with Mr. Garcia about the death of Mr. Castillo was
2 at MDC?

3 A. Yes.

4 Q. So it wasn't until Agent Acee came back
5 and confronted you with your placement history that
6 you then indicated it had to happen at Metropolitan
7 Detention Center?

8 A. That it what?

9 Q. That it happened at Metropolitan Detention
10 Center, MDC?

11 A. No, I knew it had been at MDC.

12 Q. Do you remember what pod it was you were
13 at in MDC, where you had this conversation with
14 Mr. Garcia?

15 A. It was the lockdown pod. I remember that.

16 Q. So you said you came to his door and
17 talked to him?

18 A. Yes.

19 Q. So I take it no one else was part of this
20 alleged conversation?

21 A. No.

22 Q. So no one would be able to confirm this
23 happened, other than you?

24 A. No.

25 Q. No corrections officers around?

1 A. No.

2 Q. This is a lockdown facility, right?

3 A. Yes.

4 Q. You're not supposed to -- you're locked
5 down 23 hours a day?

6 A. Yes.

7 Q. And then you're allowed one hour out, to
8 go to a rec yard?

9 A. Half hour.

10 Q. Half hour. And you're escorted to the rec
11 yard?

12 A. We don't go to the rec yard.

13 Q. I'm sorry. The rec cages?

14 A. We don't go to rec cages, either, at MDC.

15 Q. Where do you go?

16 A. We stay on the tier, and we're able to
17 shower and make a phone call for a half hour.

18 Q. Is there video cameras in that pod?

19 A. Yes.

20 Q. Have you -- in your time preparing with
21 the prosecutors in this case or Agent Acee, have you
22 ever been able to review video which confirms you
23 had this conversation with Billy Garcia?

24 A. No.

25 Q. Mr. Armijo, would it be fair to say that

1 you have a well-earned reputation of taking care of
2 business through violence?

3 A. Yes.

4 Q. And that you don't allow people to
5 disrespect you or people you honor, without some
6 kind of reaction from you?

7 A. Yes.

8 Q. And that reaction often is to inflict
9 violence on people who disrespected you or your
10 friends?

11 A. Yes.

12 Q. But you're saying that didn't happen with
13 Billy Garcia when you supposedly had this
14 confrontation with him about Frank Castillo?

15 A. Like I said, he was in a cell, and I
16 wasn't.

17 Q. Okay. So did you send out a hit on him?

18 A. No.

19 Q. Did you put a green light on him?

20 A. No.

21 Q. Even though he supposedly killed your
22 workout partner?

23 A. No.

24 Q. Now, you talked about you entering a plea
25 of guilty in a separate prosecution or RICO

1 violation. Do you recall that?

2 A. Yes.

3 Q. Now, what happens on a RICO violation is,
4 it's similar to what's charged here. It's
5 concerning racketeering, right?

6 A. Yes.

7 Q. And that means you're part of a
8 racketeering organization?

9 A. Yes.

10 Q. In this case, it was the SNM?

11 A. Yes.

12 Q. And that you had to commit what's called
13 Overt Acts in furtherance of that racketeering
14 activity, correct?

15 A. Right.

16 Q. And so what the Government did in your
17 indictment is, they listed, say, 20 or maybe --
18 somewhere between 10 and 20 what are called Overt
19 Acts, things that you did, that they alleged you
20 did, which you did while you were a member of the
21 SNM. Do you recall that?

22 A. Yes.

23 Q. And you and your lawyer worked pretty hard
24 to come up with a plea bargain in this case; isn't
25 that right?

1 A. Right.

2 Q. And one of the things that you did was, in
3 order to reach a plea bargain, you went through the
4 Overt Acts and decided with your lawyer which ones
5 you would admit and which ones that you would deny?

6 A. Correct.

7 Q. And some of the ones that you got to deny
8 were things that were violent, right?

9 A. I would guess so.

10 Q. And even though you committed them, the
11 two of you designed it so that you wouldn't have to
12 admit that violence, as part of your plea bargain?

13 A. Some of them were untrue.

14 Q. And some of them were true?

15 A. Yes.

16 Q. In your indictment, if you recall, there
17 were seven specific counts or seven specific Overt
18 Acts that were alleged, that included acts of
19 violence. Do you recall that, or would you like to
20 look at your indictment?

21 A. I'll take your word for it.

22 Q. Of those seven acts of violence, you only
23 took responsibility for one of them when you entered
24 your plea of guilty?

25 A. Okay.

1 Q. Well, do you agree with that?

2 A. If you say it is.

3 Q. Well, you were there when you entered a
4 plea of guilty, correct?

5 A. Yes.

6 Q. And you got an opportunity to look at your
7 plea agreement and read it all through? You've seen
8 that?

9 A. Yes.

10 Q. And the only one that you admitted was act
11 58, which was the following: On February 2, 2001,
12 several inmates were assaulted. Confidential
13 information received indicates it was planned and
14 carried out by the SNM. You are a member of the
15 SNM. Information indicates you are enforcer for the
16 group. It is believed you played a vital role in
17 the planning and possibly carrying out the assaults.

18 Do you recall that?

19 A. Yes.

20 Q. As far as all the other violent acts, you
21 either -- you never had to plead to them at all?

22 A. No.

23 Q. Now, I want to talk to you about why that
24 was important for you and your attorney to do.

25 Okay?

1 A. Okay.

2 Q. If you admitted to plotting -- in your
3 plea of guilty, if you admitted to plotting to kill
4 people, you'd end up in a much worse prison if you
5 had to serve time, correct?

6 A. Possibly.

7 Q. And if you admitted to assaulting
8 Corrections officers, not only would you be in a
9 harder prison, but your time would probably be a lot
10 harder with the Corrections officers at any prison
11 you'd be placed at?

12 A. Probably not.

13 Q. Probably not? You think they'd treat you
14 just the same?

15 A. Yes.

16 Q. So you've never experienced that people
17 who are in law enforcement, who see on someone's
18 record that an individual has assaulted another law
19 enforcement officer, take a different approach and
20 deal with that inmate differently?

21 A. If you're an asshole to someone, they're
22 going to be an asshole right back to you.

23 Q. And being an asshole means if you
24 assaulted an officer, officers are going to treat
25 you a little bit more differently than they would if

1 you didn't have that on your record, correct?

2 A. Not necessarily.

3 Q. Well, the assaultive inmates, the inmates
4 that have assaulted Corrections officers, often have
5 special precautions put on them, correct?

6 A. Right.

7 Q. Where the officers that have to even move
8 that person have to be covered in very thick
9 knife-proof vests and clothing, correct?

10 A. Yes.

11 Q. And those inmates that have done that and
12 assaulted Corrections officers, they end up being
13 put in pretty secure conditions in order to protect
14 those Corrections officers, right?

15 A. Right.

16 Q. Let's dive into the acts that were
17 originally alleged in the indictment, but you and
18 your lawyer agreed to get out of the indictment when
19 you pled guilty. Okay?

20 A. Okay.

21 Q. Did you -- well, there was one count -- or
22 not a count -- one Overt Act in which it was alleged
23 that you and other SNM members on February 9, 1995,
24 assaulted correctional officers; do you recall that?

25 A. Did I plead to it?

1 Q. I'm asking you, do you recall doing it?

2 A. Did I plead to it?

3 Q. That's not the question. You don't ask me
4 questions; I ask you questions.

5 Did you do it?

6 A. I didn't plead to it.

7 Q. Did you do it?

8 A. I don't recall.

9 Q. The people that wrote that indictment, to
10 your knowledge, are the people right over here to my
11 left, correct?

12 A. Right.

13 Q. Well, you didn't plead to it. We've
14 established that, correct?

15 A. Right.

16 Q. And because you didn't plead to assaulting
17 Corrections officers, on February 9, 1995 -- it's a
18 very specific date -- if you served time, you're not
19 going to have to get all those extra precautions
20 that we're talking about, right?

21 A. I don't know.

22 Q. Well, the judge who sentences you isn't
23 going to get to use anything you didn't plead guilty
24 to, that you may have admitted in debriefing? He
25 won't be able to use that in determining your

1 sentence; is that right?

2 MR. CASTELLANO: Object, Your Honor. The
3 witness can't answer that question. There is
4 something called relevant conduct under the
5 guidelines that Mr. Armijo doesn't know about.

6 THE COURT: Well, if he can answer the
7 questions -- I understand your point, but if he can
8 answer the questions, I'll allow it.

9 MR. CASTELLANO: I'll just ask that
10 defense counsel lay a proper foundation for Mr.
11 Armijo's understanding of the guidelines, and
12 whether things he didn't plead to can still be used
13 against him at sentencing.

14 MR. CASTLE: I can do that. I don't think
15 it's required, but --

16 THE COURT: I'll let you ask your
17 questions. I'll overrule the Government, but you
18 can ask the way you want.

19 BY MR. CASTLE:

20 Q. Do you recall signing a letter called a
21 Kastigar letter?

22 A. Yes.

23 Q. What it is, is an agreement between the
24 Government and you that anything you admit to,
25 either in the debriefings or here on the stand,

1 cannot be used against you, including at sentencing,
2 right?

3 A. Right.

4 Q. So if you didn't plead to it, but you
5 admitted to it, it can never be used by the judge at
6 sentencing, correct?

7 A. Yes.

8 Q. Whether or not there are sentencing
9 guidelines. Now, your sentencing guidelines, while
10 we're on that, had you not worked out a deal with
11 the Government to cap your sentence at 20 years by
12 pleading guilty to a particular kind of charge?

13 A. Yes.

14 Q. Your sentencing guidelines, because of
15 your extensive criminal history, are so large that
16 essentially you'd spend the rest of your life in
17 prison?

18 A. Right.

19 MR. CASTELLANO: I'm going to object.
20 There's a statutory maximum of 20 years.

21 MR. CASTLE: That's because they charged
22 it that way, Your Honor.

23 THE COURT: Mr. Armijo can testify as to
24 his understanding, particularly of the plea that he
25 entered into. It may or may not be a correct

1 understanding, but I think what's important here is
2 his understanding. Overruled.

3 BY MR. CASTLE:

4 Q. Let's talk about another Overt Act that
5 the Government alleged in their indictment against
6 you, Overt Act 82. And I want you to answer whether
7 you committed the crime first, and then we'll talk
8 about whether you pled guilty to the crime.

9 Did you, on December 17, 2004, threaten to
10 assault an inmate by the initials V.R., and then a
11 week later, on Christmas Eve, actually carry out
12 that assault on him?

13 A. I don't recall.

14 MR. CASTLE: I would ask the Government to
15 reveal the identity of V.R. so we can perhaps
16 refresh the witness' memory as to this event.

17 MR. CASTELLANO: The name should be in the
18 discovery, Your Honor.

19 MR. CASTLE: It's not. Many of the acts
20 that were the Overt Acts, including -- I think we
21 heard yesterday about blondies and something else --
22 have never been disclosed to the defense.

23 MR. CASTELLANO: Your Honor, I've got that
24 discovery with me today, if Mr. Castle would like to
25 look at it.

1 THE COURT: Do you want to take a moment
2 to look at it?

3 (A discussion was held off the record.)

4 MR. CASTELLANO: This is in a different
5 case, Baca, 2913.

6 MR. CASTLE: Your Honor, I'd ask counsel
7 not to make comments that can be overheard by the
8 jury.

9 THE COURT: Well, I'm not sure they're
10 being picked up here, so it's a little hard for me
11 to police comments. But --

12 MR. CASTLE: This is a different event.
13 But this is good. Why don't we do this while we're
14 here.

15 MR. CASTELLANO: Your Honor, I'm going to
16 hand counsel Baca Bates stamp 4140 as one of the
17 others related to another question we asked
18 yesterday regarding blondie.

19 MR. CASTLE: Your Honor, apparently when
20 we were on the question about V.R., they're not able
21 to identify them at this time. And I'm not saying
22 there is anything wrong; I'm just saying they're not
23 able to. And I will pass on that question until
24 later in the exam, to give them an opportunity to
25 look at that.

1 BY MR. CASTLE:

2 Q. I talked to you earlier about an assault
3 on February 2, 2001, and you couldn't recall the
4 inmates that were assaulted. Let me give you these
5 names: Adam Barela, Augustine Mares, Isaac Dodge,
6 and Jesse Chavez.

7 Do you recall those people being
8 assaulted?

9 A. No.

10 Q. Let's go back to Overt Act 82. Whoever
11 V.R. is, do you recall -- most of us can recall
12 Christmas Eves. Do you recall assaulting an inmate
13 on Christmas Eve back in 2004?

14 A. I could have.

15 Q. Even at correctional facilities, the
16 holidays are treated a little differently than other
17 days of the year, correct?

18 A. It's just another day to us.

19 Q. Well, sometimes they cook a little
20 something special, and the inmates try to honor the
21 holiday, correct? Well, some inmates?

22 A. Not really.

23 Q. So you don't recall assaulting someone on
24 a Christmas Eve?

25 A. No.

1 Q. How many people can you estimate you've
2 assaulted in your years in prison?

3 A. I don't know.

4 Q. Ten? Fifty? A hundred? Somewhere --

5 A. Don't know.

6 Q. More than you could count?

7 A. Don't know.

8 Q. Well, most people can estimate.

9 A. Okay, then you should talk to most of
10 those people.

11 Q. Okay. One of the other counts -- I'm
12 sorry. One of the other Overt Acts was concerning
13 an assault on a police officer on September 9, 2007.
14 Did you or did you not assault a police officer on
15 September 9, 2007?

16 A. I might have.

17 Q. Well, have you ever assaulted a police
18 officer?

19 A. One, yes.

20 Q. And did you have to plead, as part of your
21 charges in this case, to assaulting a police
22 officer?

23 A. Yes. Yes.

24 Q. Well, let's see. Let's take a look at
25 what you've pled guilty to.

1 MR. CASTLE: May I approach the witness,
2 Your Honor?

3 THE COURT: You may.

4 Q. I'm showing you a document. Can you take
5 a look at this. Is that a copy of your plea
6 agreement?

7 A. Yes.

8 Q. You were shown one that had redactions,
9 things blacked out. Do you recall that? By the
10 Government?

11 A. Yes.

12 Q. And we do that just so that the jury could
13 hear from you, rather than reading a statement
14 that's prepared by the Government, about what you're
15 going to say. But this one is unredacted, so it
16 allows you to look through here. And you signed
17 this, didn't you?

18 A. Yes.

19 Q. And you read it?

20 A. Yes.

21 Q. And, in fact, there is a paragraph in here
22 that says that you read it, understand all the
23 terms, et cetera, right?

24 A. Yes.

25 Q. Take a look and see if it talks about that

1 event that I talked about in 2007 where you
2 assaulted a police officer. And to save time, a lot
3 of those counts have dates on them, so if it's in
4 '99 or '94 or whatever, go ahead and ignore those,
5 and try to find a 2007 assault on a police officer.

6 A. No.

7 Q. Go to the next page, just to make sure
8 we're thorough.

9 A. No.

10 Q. So one of the advantages of the plea
11 bargain that was signed by you and your attorney was
12 that you didn't have to admit that event; is that
13 right?

14 A. Yes.

15 Q. And do you recall that was Overt Act 111
16 against you in the indictment?

17 A. I don't remember all the Overt Acts, but
18 if you say it, yes.

19 Q. Now, another Overt Act -- and I'm going to
20 ask you whether you committed this crime first, then
21 we'll talk about whether you admitted to the crime
22 in your plea agreement. And this is Overt Act 178.
23 Did you, in September 2014, with another SNM member,
24 order Richard Gallegos to murder SNM Gang member
25 M.G., a/k/a Choo Choo? Did you do that?

1 A. No.

2 Q. You never did that?

3 A. No.

4 Q. In any event, you didn't have to admit to
5 that, right?

6 A. No.

7 Q. That indictment still stands to this day.
8 Do you know that?

9 A. No.

10 Q. And that allegation still stands to this
11 day.

12 A. I don't know.

13 Q. And it has never been dismissed, that
14 you're aware of?

15 A. Can I go ahead and answer what I --

16 Q. Has it been dismissed or not?

17 A. We discussed it, and we came to an
18 agreement that that never happened, because we found
19 out the truth about it and what really happened.

20 Q. So are you saying that the Government will
21 accuse somebody of something they didn't do?

22 MR. CASTELLANO: For clarification, is
23 counsel talking about the indictment or the
24 superseding indictment?

25 MR. CASTLE: The indictment.

1 MR. CASTELLANO: We'll address the
2 superseding indictment.

3 MR. CASTLE: The superseding happened
4 after he pled guilty, Your Honor.

5 THE COURT: Well, you can ask your
6 questions, and then Mr. Castellano can deal with it
7 in redirect.

8 Mr. Castle.

9 BY MR. CASTLE:

10 Q. Let me see the answer to the question. I
11 can't read it. Are you saying that the Government,
12 at least with regard to you, accused you of
13 something you didn't do?

14 A. At first, yes.

15 Q. On October 22, 2015, did you put a hit out
16 on Anthony Ray Baca?

17 A. Yes.

18 Q. And you didn't have to admit to that in
19 your plea agreement, did you?

20 A. No.

21 Q. Now, if you did have to, that, again,
22 would have been something that if you had to serve
23 time in the Bureau of Prisons would probably get you
24 in a more significant prison setting, correct?

25 A. I don't know.

1 Q. Well, Anthony Ray Baca was one of the top,
2 top leaders in the SNM; correct?

3 A. According to who?

4 Q. Well, I'm asking you.

5 A. No. Not to me, no.

6 Q. You didn't respect him?

7 A. No, not really.

8 Q. Have you canceled that hit?

9 A. No.

10 Q. And the only reason that you haven't
11 killed Anthony Ray Baca is, you haven't had the
12 chance?

13 A. Not -- I no longer see myself as an SNM
14 Gang member.

15 Q. Well, on July 14th of 2016, do you recall
16 being interviewed?

17 A. Yes.

18 Q. And at that time you said to the FBI that
19 you wanted to kill Pup, but you've never gotten the
20 chance. Do you recall that?

21 A. Correct.

22 Q. And Pup is Anthony Ray Baca?

23 A. Yes.

24 Q. In any event, you didn't have to admit
25 that in your plea agreement, did you?

1 A. No.

2 Q. Now, I want to ask you about some other
3 acts that you committed as a member of the SNM and
4 ask you if you had to admit these as part of your
5 plea bargain. Okay?

6 A. Okay.

7 Q. Prior to 2000, when Angel Munoz got out of
8 the facility, did you and Angel coordinate multiple
9 assaults and start a riot against Blacks?

10 A. Yes.

11 Q. When you were released out of prison, did
12 you do a hit on Manuel Flaco Aragon from the Barelas
13 Street Gang?

14 A. Yes.

15 Q. Did you have to admit to that as part of
16 your plea agreement?

17 A. No.

18 Q. Now, is Mr. Aragon that person you said
19 was a friend, a childhood friend?

20 A. Yes.

21 Q. And tell us a little bit about that hit.
22 What did you do, when did you do it, and how did you
23 do it?

24 A. I stabbed him several times.

25 Q. Where?

1 A. In the -- down in the stomach area.

2 Q. No, I'm talking about where were you
3 located at the time this happened?

4 A. At the Auto Zone on 4th Street, in
5 Albuquerque.

6 Q. And were there other SNM members around?

7 A. No.

8 Q. How did you get close enough to him to be
9 able to stab him multiple times in the middle of his
10 body?

11 A. Actually, he came up to talk to me.

12 Q. As old friends?

13 A. Yes.

14 Q. And you took that opportunity to stab him?

15 A. Yes.

16 Q. And try to kill him?

17 A. Yes.

18 Q. Now, you could have walked away from that
19 incident and no one from your gang would have
20 noticed, right?

21 A. Yes.

22 Q. And during your debriefing were you shown
23 documents about that?

24 A. No.

25 Q. Let me talk to you about another violent

1 act that you didn't have to admit in your agreement.

2 After you had done the stabbing of your childhood
3 friend, did you return back to prison?

4 A. Yes.

5 Q. And did you order an individual by the
6 name of Leroy Torres to try to kill your childhood
7 friend again?

8 A. Yes.

9 Q. So even though -- I guess you were
10 unsuccessful, although you stabbed him multiple
11 times in the abdomen area, right?

12 A. Yes.

13 Q. Why did you choose the abdomen?

14 A. Don't know.

15 Q. Well, you're a hit man for Angel Munoz,
16 right? I mean, don't you know the parts of the body
17 that can cause the most damage and kill people?

18 A. Yes.

19 Q. So is the abdomen an area where there are
20 a lot of internal organs, and if you stab it, a
21 person might bleed to death?

22 A. Yes.

23 Q. You could stab someone, say, in the
24 shoulder, and they're not going to die, right?

25 A. Yes.

1 Q. Or the thigh?

2 A. Yes.

3 Q. Or maybe different parts of the body. But
4 you chose the stomach area for maximum impact and
5 the biggest chance to kill?

6 A. Yes.

7 Q. And then, when you returned back to
8 prison, even though Mr. Aragon survived that attack,
9 you ordered someone else to go try to kill him for
10 you?

11 A. Yes.

12 Q. Did that happen?

13 A. Did what happen?

14 Q. Did he get stabbed?

15 A. Yes.

16 Q. By Leroy Torres?

17 A. Yes.

18 Q. How did he get stabbed?

19 A. I have no idea. I wasn't there.

20 Q. Did you give instructions?

21 A. No.

22 Q. Was Mr. Aragon supposed to be stabbed in
23 the back this time?

24 A. I have no idea.

25 Q. You didn't have to admit that, right?

1 A. No.

2 Q. You also ordered a hit on an inmate by the
3 name of Chris Dragon Vargas; is that right?

4 A. Yes.

5 Q. And tell us how that went down, and when
6 that went down.

7 A. I don't recall.

8 Q. How many people have you ordered to kill
9 people, to kill other people?

10 A. A few.

11 Q. Can you give us an estimate?

12 A. About three.

13 Q. Did you have to admit to any of those?

14 A. No.

15 Q. And, in fact, once again, because you
16 talked about them in your meetings with the
17 Government, on the stand here today, your agreement
18 prevents Judge Browning from considering any of
19 those violent acts when he sentences you, right?

20 A. Yes.

21 Q. And also, because they're not part of your
22 plea agreement in the package that goes to the
23 Bureau of Prisons, if you serve any time, they won't
24 know about it, as well?

25 A. Right.

1 Q. When we talked about this hit that you
2 ordered on Chris Dragon Vargas, it actually happened
3 at the Old Main prison in Santa Fe? Do you recall
4 that?

5 A. Yes.

6 Q. And just while we're at it, while we're
7 talking about this, your agreement with the
8 Government is that if you come in here and admit to
9 violent crimes that you've committed, all these
10 violent things, that you'll never be prosecuted,
11 right?

12 A. Right.

13 Q. So you're not really risking anything by
14 admitting to these things here in front of this
15 jury, right? This isn't an act of bravery on your
16 part to admit it; actually, by saying these things,
17 you're going to get away with them, right, and never
18 be prosecuted?

19 A. I guess, yes.

20 Q. So it's not as if you're taking the stand
21 and admitting things, and putting yourself at risk
22 regarding those offenses, right?

23 A. I'm putting myself at risk just by being
24 up here.

25 Q. Okay, I understand that. In fact, I think

1 we've talked about even though you were charged with
2 this federal indictment, and even though you've
3 committed all these violent acts, and even though
4 you currently have a hit out on another human being,
5 the Government has chosen to let you be out while --
6 during this time period where you're acting as a
7 witness, correct?

8 A. Yes.

9 Q. When you commit these stabbings, do you do
10 them out in front of Corrections officers and other
11 witnesses, or do you do them in places where you
12 can't get caught?

13 A. Obviously, you try to get away with it.

14 Q. And I think one of the times you talked
15 about was at a wedding for a family member of Angel
16 Munoz?

17 A. It was a party, yes.

18 Q. Okay. And I believe what happened was,
19 you thought somebody was disrespectful because they
20 were acting like a fool when they were drunk, right?

21 A. Yes.

22 Q. So you lured the person into the woods,
23 was it?

24 A. Behind the house.

25 Q. Behind the house. And there was nobody

1 else out there, right?

2 A. No.

3 Q. And you convinced this person to come back
4 there with you, right?

5 A. Yes.

6 Q. How did you convince them?

7 A. I just told them, "Come with me. Let's
8 talk."

9 Q. "Let's talk." Okay. So like most people
10 do at a party, sometimes you want to talk to people,
11 right?

12 A. Right.

13 Q. And you say, "Let's have a little private
14 time behind the house," or something to that effect,
15 right?

16 A. Correct.

17 Q. So you convinced this person to do that,
18 and you then stabbed him, right?

19 A. Yes.

20 Q. What did you stab him with?

21 A. A knife.

22 Q. What kind of knife?

23 A. A big knife.

24 Q. Okay. Show us how big.

25 A. (Witness gestures.)

1 Q. Where do you keep that when you go to
2 parties?

3 A. In my waist.

4 Q. Okay. And so how did you stab him?

5 A. I think I also stabbed him in the chest
6 and stomach area.

7 Q. So the chest, where your heart would be
8 and your lungs would be?

9 A. Yes.

10 Q. And the stomach, where your vital organs
11 would be?

12 A. Yes.

13 Q. What happened after that?

14 A. We left.

15 Q. Who left?

16 A. Me and Angel.

17 Q. Did you run away?

18 A. No.

19 Q. You calmly walked back out from behind the
20 house, contacted Angel, and said, "We need to
21 leave," and then you drove away, correct?

22 A. Yes.

23 Q. Who was that person?

24 A. I don't know.

25 Q. You don't even know whether he lived or

1 died, right?

2 A. No.

3 Q. Nor did you check?

4 A. No.

5 Q. Nor did you try to find out if there was a
6 widow or a family member that might be left behind,
7 that might need some assistance?

8 A. I don't think he died, or else I would
9 have heard about it.

10 Q. Why? Do you scan the papers after you do
11 stabbings?

12 A. No. He was a family member of Angel's
13 wife and so I would have, obviously, heard about it.

14 Q. Did he go to the hospital?

15 A. I don't know.

16 Q. Well, if you stabbed someone with a knife
17 this big, in their chest and stomach area, would it
18 surprise you if they went to the hospital?

19 A. No.

20 Q. How many times did you stab him?

21 A. I don't recall.

22 Q. Did he end up ever walking again?

23 A. I don't know.

24 Q. Did he ever end up being able to lead a
25 productive life again?

1 A. I've never seen him after that.

2 Q. Nor did you ever care enough to find out?

3 A. No.

4 Q. Now, the reason you do it in kind of quiet
5 places and away from everyone is not just so you
6 don't get caught, but sometimes it's so you don't
7 have to take responsibility for it, right?

8 A. No. We have to live with it for the rest
9 of our lives.

10 Q. Didn't stop you from doing it over and
11 over again, though, right?

12 A. No.

13 Q. And, in fact, the drunk person who
14 disrespected you, you could have let that go, as
15 well -- or disrespected, I guess, Angel, right?

16 A. Right.

17 Q. Have you ever been at a social function
18 where there's alcohol, where someone is not making a
19 fool of themselves?

20 A. No.

21 Q. Do you like -- when you choose to hit
22 people, do you have a particular way that you like
23 to do it?

24 A. The way that you get away with it.

25 Q. Okay. Well, certain kind of weapons -- do

1 you prefer shanks and knives over ligatures or your
2 hands or whatever?

3 A. Knives.

4 Q. In fact, you've I think in the past said
5 that your preference is for knives and shanks,
6 right?

7 A. Yes.

8 Q. And it's because the job gets done faster?

9 A. Yes.

10 Q. And it's also so that if someone comes
11 across one of your victims and sees the blood and
12 the horror of the attack, it sends a message?

13 A. Yes.

14 Q. You actually, in addition to preferring to
15 stab people in the abdomen and chest, I think you
16 have testified previously that you prefer also to
17 stab in the neck or in the underarm?

18 A. Yes.

19 Q. Now, we haven't heard about anybody you've
20 stabbed in the neck or underarm yet. Tell us about
21 those incidents.

22 A. It hasn't happened.

23 Q. It hasn't happened?

24 A. No.

25 Q. Just didn't have the opportunity?

1 A. No.

2 Q. In the neck, we're talking about a major
3 artery, right?

4 A. Yes.

5 Q. Fairly quick death?

6 A. Yes.

7 Q. Now, it sounds like you've had plenty of
8 opportunities to use that method.

9 A. Yes.

10 Q. So why didn't you use them? Or is it
11 possible that you've stabbed some people that you
12 haven't told us about?

13 A. The statement you're making was one of the
14 defense attorneys talking hypothetical.

15 Q. Okay. Are you telling this jury that you
16 have admitted, either between direct examination or
17 cross-examination, all the stabbings that you've
18 ever done?

19 A. No.

20 Q. Do you recall another incident -- I don't
21 know if the Government talked to you about it and if
22 they did, I apologize. Do you recall another
23 incident that was documented, where you stabbed two
24 Los Carnales Gang members with a Bowie knife? Is it
25 Bowie or Bowie?

1 A. Bowie.

2 Q. Do you recall that happening?

3 A. Yes.

4 Q. Where did you stab them?

5 A. On their persons?

6 Q. Whereabouts?

7 A. Is that what you're talking about, on
8 their persons?

9 Q. Yes.

10 A. I don't recall.

11 Q. Could it have been in the neck?

12 A. Could have.

13 Q. You didn't have to admit that in the plea
14 agreement, right?

15 A. No.

16 Q. All these violent acts we were talking
17 about when you were an SNM member, they could have
18 been put into a prosecution like the one here,
19 Violent Crime in Aid of Racketeering, correct?

20 A. I guess.

21 Q. And whether they carried individually a
22 life sentence or not, if you had to plead to all of
23 those violent acts, would it surprise you that the
24 functional equivalent of a life sentence you would
25 be exposed to, right?

1 A. I suppose.

2 Q. As far as those two Los Carnales Gang
3 members, one was a stranger, I think you said, at a
4 party, right?

5 A. Yes.

6 Q. Is this a different party than the one
7 where you lured the guy in the back that was drunk?

8 A. Yes.

9 Q. Okay. So this is a different party, and
10 he was bragging about being a member of the Los
11 Carnales?

12 A. Yes.

13 Q. When was this?

14 A. I don't recall.

15 Q. By the time this happened, you were a
16 pretty well-known high-ranking figure in the SNM,
17 right?

18 A. Yes.

19 Q. So it wouldn't have been a surprise if
20 anyone knew you were an SNM member who was in the
21 gang life?

22 A. No.

23 Q. So you talked to this person and lured him
24 outside of the party, right?

25 A. Yes.

1 Q. Now, how did you, a well-known SNM member,
2 how were you able to lure a Los Carnales member, who
3 is bragging about it, how were you able to get that
4 person to go outside with you?

5 A. I don't think he knew who I was.

6 Q. Okay. How did you get him to go outside
7 with you?

8 A. We were drinking.

9 Q. And did you use the same thing that you
10 used with the guy that was drunk?

11 A. I think I offered him some drugs.

12 Q. Okay. So you went out and convinced him
13 that you were going to do something favorable to
14 him, right?

15 A. Yes.

16 Q. And so then you stab him?

17 A. Yes.

18 Q. So are you just the kind of person that is
19 able to convince people that you're doing something
20 good, when you're intending to do something quite
21 evil?

22 A. I guess it depends on the circumstances.

23 Q. Well, your life wasn't on the line that
24 night that you lured the Los Carnales member out and
25 stabbed him, right?

1 A. No.

2 Q. You didn't have any incentive to kill or
3 to try to stab him, right? Nobody was offering you
4 anything?

5 A. No.

6 Q. But yet, you were able to convince him
7 something that wasn't true, and then do something
8 horrific to him?

9 A. Right.

10 Q. The same thing at the party with the
11 alcohol or the drunk, right?

12 A. Yes.

13 Q. In this case -- well, I'll pass. On that
14 guy, the Los Carnales member, what happened to him?

15 A. Don't know.

16 Q. You don't know whether he lived or died,
17 right?

18 A. No.

19 Q. Nor did you care to find out?

20 A. No.

21 Q. You never checked out whether he had a
22 widow?

23 A. No.

24 Q. And, again, because you got to come in
25 here and talk about it with this Kastigar letter,

1 you'll never be held responsible for that
2 whatsoever, right?

3 A. Right.

4 Q. The other LC, Los Carnales, stabbing you
5 carried out, was that the guy that was the childhood
6 friend?

7 A. Yes.

8 Q. I believe you testified previously that
9 you've ordered so many hits on other inmates while
10 you were in the facility that you don't -- you can't
11 even recall their names?

12 A. I never said "so many hits."

13 Q. Well, let's take a look. What do you
14 think you said?

15 A. I said "a few."

16 Q. I think you're right. What you said was,
17 you admitted to ordering other hits on other
18 inmates, but don't know their names. The hits were
19 ordered because of drug debts not being paid; is
20 that right?

21 A. Right.

22 Q. So how many do you think it was?

23 A. Like I said, a few.

24 Q. Well, what's a few to you?

25 A. Two or three.

1 Q. Those would be in addition to the ones
2 we've already talked about?

3 A. Those would be including the ones we
4 talked about.

5 Q. Well, none of the ones you've talked about
6 have been over drug debts, have they? They've been
7 someone being obnoxious at a party or being a Los
8 Carnales member or things of that nature, right?

9 A. I believe you said hits I called. Those
10 were hits I done personally.

11 Q. Okay.

12 A. I think you talk too much. You don't hear
13 yourself.

14 Q. I think you kill too much, sir. But we're
15 not commenting on each other's characters.

16 You can't even remember how many people
17 you've stabbed in your lifetime, correct?

18 A. Correct.

19 Q. You stabbed one man for accusing you of
20 being a cop?

21 A. Yes.

22 Q. Why is that so insulting to you?

23 A. At a time in your life, you know, you take
24 words like that as disrespect.

25 Q. When someone calls someone a cop, they're

1 not necessarily saying you're a police officer,
2 right?

3 A. Yes, that's what they're saying.

4 Q. Well, sometimes they're saying you're an
5 informant for the police?

6 A. I don't know. You could take it the way
7 you want to. I take it the way I want to.

8 Q. Okay. Well, let's just talk about what
9 you did that time. The man you stabbed was giving
10 you and your girlfriend a ride home, right?

11 A. Yes.

12 Q. And because he said you were a cop, you
13 jumped into the front seat; stabbed him; and he
14 ended up jumping out of the car; and you left,
15 driving his car, correct?

16 A. Yes.

17 Q. What happened to him?

18 A. I think he made it home.

19 Q. Any permanent injuries?

20 A. No.

21 Q. Where did you stab him?

22 A. In the neck.

23 Q. I thought earlier you said you didn't
24 recall stabbing anyone in the neck.

25 A. No.

1 Q. I guess your memory has been refreshed,
2 then?

3 A. No. Thank you.

4 Q. We talked about the stabbings. Have you
5 shot multiple people during your lifetime?

6 A. Yes.

7 Q. Do you remember their names?

8 A. No.

9 Q. And I think you said previously, once
10 again under this immunity that you have when you
11 admit to things on the stand, that you've shot
12 people; you've shot people at parties and during
13 drug deals?

14 A. Yes.

15 Q. Can you give us an estimate?

16 A. No.

17 Q. How many of them died? How many of them
18 survived?

19 A. Don't know.

20 Q. You never checked it out to see?

21 A. No.

22 Q. Let's talk about one of them. Do you
23 recall shooting a Puerto Rican male subject during a
24 drug deal?

25 A. Yes.

1 Q. That person -- it was over near what's
2 called Wino Park on Lomas Boulevard, right?

3 A. Yes.

4 Q. The next day, you saw a news story that a
5 body was found under a bridge on Manual (sic)
6 Boulevard; correct?

7 A. Menaul Boulevard, yes.

8 Q. Menaul. Do you know that person's name?

9 A. No.

10 Q. And, again, you didn't have to admit to
11 that as part of your plea bargain, right?

12 A. No.

13 Q. Now, when you talked to the FBI in 2016,
14 when you sat down with them, you told them that --
15 once again, it was under that Kastigar letter where
16 if you admitted to things, you couldn't be
17 prosecuted, using your words, right?

18 A. Right.

19 Q. You told them at that time that you hadn't
20 done anything violent in a very long time, right?

21 A. Right.

22 Q. Just three months before you made that
23 statement, do you recall that they had executed a
24 search warrant at your house?

25 A. Yes.

1 Q. And in the house, they found a Colt .32
2 automatic handgun?

3 A. Yes.

4 Q. A handgun magazine, right?

5 A. Yes.

6 Q. Three rounds of .32 auto ammo?

7 A. Right.

8 Q. And a box of 29 rounds of .38 special
9 ammo?

10 A. Right.

11 Q. A folding knife and something that's
12 called a finger knife?

13 A. Right.

14 Q. Where is the .38?

15 A. Don't know.

16 Q. You just keep ammunition for a weapon that
17 you don't keep or use?

18 A. Do what?

19 Q. You have ammunition at your home for a
20 caliber of gun that you don't own?

21 A. The ammunition was my wife's, and so was
22 the gun.

23 Q. A .38 caliber wasn't at your house, right?

24 A. No.

25 Q. And because you were a felon, you weren't

1 allowed to have guns in your home, whether they're
2 your wife's or yours, right?

3 A. Right.

4 Q. Did you have to plead guilty to felon in
5 possession of a gun?

6 A. No.

7 Q. You did a hit on an informant or two
8 people you thought were informants?

9 A. I don't recall.

10 Q. Do you recall a hit on an inmate by the
11 name of Dennis Font?

12 A. No.

13 Q. Speedy?

14 A. No.

15 Q. Do you recall being shown documents about
16 you calling a hit on inmate Dennis Font, F-O-N-T?

17 A. No.

18 Q. It's Baca, page 7858. On February 2,
19 2000, they never talked to you about this?

20 A. I'm sure they have. I just said I don't
21 remember.

22 Q. Okay. Just so we can make sure, I'm going
23 to show you this plea agreement again, and if you
24 can recall -- you don't have to read it again, but
25 if you'd just go through the two pages with the

1 facts that you're admitting and tell us if there is
2 any of these events that we've talked about other
3 than, I guess, getting in a fight with four inmates
4 in 2001, that are in that plea agreement?

5 MR. CASTELLANO: There is no objection to
6 the admission of that exhibit unredacted.

7 THE COURT: Do you wish to admit it?

8 MR. CASTLE: I haven't offered it, have I?

9 MR. CASTELLANO: If he does, I have no
10 objection.

11 THE COURT: I understand.

12 Mr. Castle.

13 BY MR. CASTLE:

14 Q. Just so you're sure, I'm asking what's not
15 in it.

16 A. Okay.

17 Q. None of those are in there, right?

18 A. No.

19 Q. Now, I know that you've indicated that you
20 haven't seen your presentence reports, okay?

21 A. Right.

22 Q. Let's talk about how a presentence report
23 is done. After you enter a plea of guilty, you sit
24 down with the probation officer, right?

25 A. Right.

1 Q. And your lawyer is there?

2 A. Right.

3 Q. And the probation officer asks you
4 questions about what you did, correct?

5 A. Yeah.

6 Q. And they have access to the police reports
7 and the materials that the Government has, right?

8 A. Okay.

9 Q. And part of their process is to tell --
10 what they do is, they give a report to the Court so
11 the Court can know something about your life and
12 whether you're deserving of a reduced sentence,
13 correct?

14 A. Right.

15 Q. Now, they don't -- the Probation
16 Department doesn't have the power to say a 5K motion
17 by the Government is void? They can't stop the
18 Government from filing this 5K reduction motion,
19 right?

20 A. I have no idea.

21 Q. And are you aware -- even though you
22 haven't read it, are you aware that the Probation
23 Department has found that you didn't fully accept
24 responsibility for all your conduct?

25 A. I don't know.

1 Q. Well, that's an important thing, right? I
2 mean, when you're calculating your sentencing range,
3 one of the things that can reduce the sentencing
4 range is if you've accepted responsibility for your
5 conduct, correct?

6 A. I don't know.

7 Q. You didn't know anything about that? It's
8 in your plea agreement, sir.

9 A. Right.

10 Q. And the judge read you the whole plea
11 agreement and made sure you understood every aspect
12 of it before you pled guilty, correct?

13 A. Yes.

14 Q. And they talked to you about acceptance of
15 responsibility, right?

16 A. I think I did.

17 Q. Well, are you aware that the Probation
18 Department has found that you haven't taken full
19 responsibility for your actions?

20 A. I have no idea what they think.

21 Q. We've already determined that you haven't
22 taken responsibility in your plea agreement for
23 many, many violent things that you've done, correct?

24 A. I guess you have.

25 Q. Well, did you take responsibility in your

1 plea agreement for all those violent acts that we
2 just talked about?

3 A. No.

4 Q. Now, when you cooperated, it was -- I
5 think we've established that it was only after they
6 indicted you, right?

7 A. Yes.

8 Q. And only after you worked out this deal
9 where you didn't have to admit violent matters?

10 A. Again, yes.

11 Q. And so the reason you came and talked to
12 them -- oh, I'm sorry. And also, that if you
13 admitted to violent things, they couldn't use it
14 against you at sentencing and things like that,
15 right?

16 A. Again, yes.

17 Q. So it wasn't your conscience, your
18 conscience pulling at you, that made you walk into a
19 police station on your own and admit things that you
20 had done? That didn't happen?

21 A. I don't think you could speak for my
22 conscience.

23 Q. Well, I'm asking you: Before you got
24 charged with a crime, before you and your lawyer
25 ever worked out a deal, before you were given this

1 deal where you could talk about your violence and
2 not have your words be used to charge you with, did
3 you ever walk into a police station as a citizen and
4 say, "I've got to tell you some bad things about the
5 SNM; I've got to tell you about what I've done in my
6 life; I've got to unburden my soul"?

7 Did you ever do that?

8 A. No.

9 Q. When you did come and talk to them, you
10 didn't do it with no strings attached; you did it
11 with this Kastigar letter?

12 A. Yes.

13 Q. By the way, you had a tablet, right?

14 A. No.

15 Q. You never had the discovery?

16 A. No.

17 Q. The lawyer never showed you any of your
18 discovery?

19 A. No.

20 Q. So this lawyer, I take it this is the same
21 lawyer who has never shown you the presentence
22 report?

23 A. Yes.

24 Q. So this lawyer goes around and doesn't
25 tell you what the evidence is against you before you

1 plead guilty; is that what you're saying?

2 A. No, I'm not.

3 Q. Okay. He did tell you?

4 A. Yes.

5 Q. Have you received money, too?

6 A. What?

7 Q. Have you received any money from the feds?

8 A. Yes.

9 Q. Even before you worked for the feds, do
10 you recall working with the STIU while you were in
11 the prison?

12 A. In what regard do you mean "working with"?

13 Q. Well, you tell me. Did you work with
14 them? And if so, how?

15 A. I worked with them to better our
16 situation, our living situation.

17 Q. In this case, let me turn to a different
18 thing. I think that the Government went over this
19 quickly. You were released once you agreed to work
20 with the -- inform on other inmates, right?

21 A. Right.

22 Q. Once you did that, they released you from
23 being in custody, right?

24 A. Yes.

25 Q. So before you agreed to that, you were

1 being held because the Government came in to court
2 and said that you were too much of a danger to
3 society to let you out free, correct?

4 A. Yes.

5 Q. And then once you sat down with them and
6 told them about all these violent things you did,
7 under the agreement that can't be used against you,
8 they released you from imprisonment, correct?

9 A. Yes.

10 Q. That was part of the deal for you, right?

11 A. I guess.

12 Q. And it wasn't because -- well, and once
13 you did that, you had to promise the Court that you
14 would follow some conditions, right?

15 A. Yes.

16 Q. And they made you promise that you
17 wouldn't use drugs?

18 A. Yes.

19 Q. And yet, you did?

20 A. Yes.

21 Q. And on three occasions, I think you said?

22 A. Yes.

23 Q. On these three occasions, did the
24 Probation Department -- well, let's back up. So
25 even when the Government agrees to let you out, you

1 actually -- when the Court lets you out, it's the
2 Court's Probation Department that you're dealing
3 with, as far as complying with the orders the Court
4 gave, right?

5 A. Yes.

6 Q. So they're not part of this plea bargain,
7 right? The Probation Department is independent?

8 A. Yes.

9 Q. And after any of the times that you had
10 hot urinalysis, did the probation officers go and
11 talk to you about it?

12 A. Yes.

13 Q. And did you lie to them?

14 A. Yes.

15 Q. Told them you hadn't used?

16 A. Yes.

17 Q. But then when they confronted you with the
18 hot urinalysis results and the fact that you were
19 going to go back into custody, it was only after
20 that, that you admitted you used drugs?

21 A. On the second occasion, yes.

22 Q. And that was because if you admitted, your
23 lawyer had worked out a deal where you could get
24 back out again, even though you violated the terms,
25 right?

1 A. Yes.

2 Q. So once again, you didn't admit until you
3 had a deal in place?

4 A. No.

5 Q. So I think you told us yesterday that the
6 only reason you used heroin was because your pain
7 medicine was out? You ran out of pain medicine?

8 A. I didn't run out. It wasn't doing
9 anything anymore.

10 Q. Okay. Well, when you had the hot UA, what
11 you told the probation officer is, "I have not used
12 any opiates, no heroin, things of that nature, but
13 it was prescription medication that caused my UA to
14 be high"; is that right?

15 A. Could be.

16 Q. And it was only after they went back to
17 the labs and confirmed that your UA had morphine in
18 it, that wasn't from some prescription medication,
19 that you finally admitted to what you had done?

20 A. No.

21 Q. No?

22 A. No.

23 Q. Well, would you like to look at the
24 probation records on your case?

25 A. No.

1 Q. Well, I'm going to have you do that. I'll
2 see if I can refresh your memory. I want you to
3 look at paragraph 11 and then turn to the next page
4 after you're done reading that.

5 A. Okay.

6 Q. So, in fact, after reading that, tell me
7 if this is true, that on September 26, 2017, you
8 tested positive for opiates, didn't you?

9 A. Yes.

10 Q. And that you denied using any opiates and
11 told them that you were taking prescription
12 medications which contained hydrocodone and
13 acetaminophen?

14 A. Yes.

15 Q. And the lab came back and said that your
16 lab results were positive for morphine, and that
17 hydrocodone would not have yielded those results?

18 A. Right.

19 Q. And it was only after that, that they
20 filed a violation report with the Court to violate
21 and put you in custody, right?

22 A. Right.

23 Q. And it wasn't until after that, that you
24 admitted?

25 A. Incorrect.

1 Q. When did you admit?

2 A. I admitted to Bryan Acee. He went to go
3 pick me up and transport.

4 Q. You're on your way back to the prison?

5 A. No.

6 Q. Jail?

7 A. Yes.

8 Q. And after that, you got back out, right?

9 A. Yes.

10 Q. Mr. Armijo, I'm not trying to pry, but I'm
11 trying to give the jury an understanding of what
12 might affect your testimony and what might affect
13 your -- well, might affect your testimony. Okay?

14 You take antipsychotic drugs, right?

15 A. Yes.

16 Q. And that helps stop you from being
17 psychotic?

18 A. No, not psychotic.

19 Q. Well, you take a drug called Abilify,
20 right?

21 A. Yes.

22 Q. And that is a medication to treat the
23 symptoms of psychotic conditions such as
24 schizophrenia and bipolar disorder, right?

25 A. No. It's for PTSD.

1 Q. Post-traumatic Stress Disorder is what you
2 say you have?

3 A. Yes.

4 Q. And you have, in fact, been -- well,
5 you've participated in numerous, numerous traumatic
6 events in your life?

7 A. Yes.

8 Q. That were traumatic to others?

9 A. Yes.

10 Q. But, of course, you witnessed it because
11 you committed it, right?

12 A. Yes.

13 Q. You still have your gang tattoos on your
14 body?

15 A. Yes.

16 Q. You haven't removed them?

17 A. No.

18 Q. Among those, you have a male face with a
19 pistol. Is that one of your tattoos?

20 A. Yes.

21 Q. And you have another one that's "Mr. Mob"?

22 A. No.

23 Q. You don't have a tattoo that says
24 "Mr. Mob"?

25 A. No.

1 Q. We only can look at reports. Okay? When
2 you go to prison or jail, they always look at your
3 tattoos and record them, right?

4 A. Right.

5 Q. They take photographs of them?

6 A. Yes.

7 Q. Have you seen this document before? It's
8 a master record entry "Wanted For Escape"?

9 A. Yes.

10 Q. And they identify your tattoos; do you see
11 that?

12 A. Yes.

13 Q. And one of your tattoos, they say, "Upper
14 right, Mr. Mob"?

15 A. Yes, that's what it says.

16 Q. And then you also have a demon with six
17 females in flames on your body, right?

18 A. Yes.

19 Q. In 2007, did you have to go start serving
20 a prison sentence for three different felonies you
21 committed?

22 A. Possibly, yes.

23 Q. The first one was aggravated battery on a
24 household member. Do you recall that?

25 A. Yes.

1 Q. And that was where you were arguing with a
2 woman?

3 MR. CASTELLANO: I'm going to object to
4 getting into the underlying facts of this
5 conviction. It's not permissible under 609, and
6 it's not racketeering.

7 THE COURT: I think have sustained that
8 objection.

9 BY MR. CASTLE:

10 Q. Okay. Well, do you only commit assaults
11 against men?

12 A. Yes.

13 Q. You've only assaulted men in your life?

14 A. Yes.

15 MR. CASTLE: Now I think it is relevant,
16 Your Honor.

17 THE COURT: I've sustained the objection.

18 Q. But you pled guilty to aggravated battery
19 on a household member; correct?

20 A. Correct.

21 Q. And that wasn't a male household member,
22 was it?

23 A. But it wasn't a household battery.

24 Q. You plead guilty to aggravated battery?

25 A. Yes.

1 Q. And that year, also you pled guilty to
2 aggravated battery upon a peace officer, right?

3 A. I guess.

4 Q. Well, do you want to take a look?

5 A. If you say yes, I did.

6 Q. Okay. It was an officer by the name of
7 Lee Jones?

8 A. Okay. I think you asked me this like five
9 times already.

10 Q. We talked earlier, yesterday, about you
11 being shipped out of Southern New Mexico
12 Correctional Facility, along with Lino Giron and
13 Nick T-Bone Chavez, right?

14 A. Again, yes.

15 Q. And when the three of you were shipped
16 out, the three biggest leaders at that time at
17 Southern were gone, right?

18 A. Yes.

19 Q. And that left Leroy Lucero as the highest-
20 ranking SNM member at that facility; correct?

21 A. I guess.

22 MR. CASTLE: No more questions.

23 THE COURT: Thank you, Mr. Castle.

24 MR. CASTLE: Let me check with counsel.

25 THE COURT: Thank you, Mr. Castle.

1 Mr. Burke, do you have cross-examination
2 of Mr. Armijo?

3 MR. BURKE: I do, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. BURKE:

6 A. Here's your paper.

7 Q. That's your presentence report. Maybe you
8 can take a look and read it now that you have a
9 copy.

10 A. I'll go ahead and take it.

11 MR. CASTELLANO: Your Honor --

12 THE COURT: Sustained. Let's not get into
13 comments.

14 MR. CASTELLANO: If I could have that
15 back, I'd appreciate it. Thank you.

16 THE COURT: Mr. Burke.

17 MR. BURKE: Thank you, Your Honor.

18 BY MR. BURKE:

19 Q. Mr. Armijo, the chances are pretty good
20 that this examination won't be as long as either the
21 direct or the first cross.

22 You're 45 years old?

23 A. Yes.

24 Q. And you've been in jail or prison more
25 than half your life?

1 A. Yes.

2 Q. Your original crimes were property crimes;
3 that you got into addiction and things kind of
4 unraveled from there?

5 A. Yes.

6 Q. In 2012, you left the gang?

7 A. Yes.

8 Q. And you didn't do that RPP Program or
9 anything?

10 A. No.

11 Q. And you didn't send some sort of certified
12 letter to the tabla to tell them that you were out
13 or anything?

14 A. No.

15 Q. You left?

16 A. Yes.

17 Q. And so some of these rules are more like
18 suggestions that the SNM has; they're not binding on
19 every member. Is that fair?

20 A. Yes.

21 Q. And part of reason that you left was that
22 the SNM was kind of falling apart and it wasn't what
23 you remembered it when you started out?

24 A. Correct.

25 Q. And one of the things that had happened

1 was that the New Mexico Corrections Department had
2 isolated some of you guys so that you weren't out in
3 the general population?

4 A. Yes.

5 Q. And they had pods for SNM guys, and so
6 there wasn't as much violence in the general
7 population. Is that a fair statement?

8 A. Yes.

9 Q. All right.

10 THE COURT: Mr. Burke, would this be a
11 good time for us to take to our morning break?

12 MR. BURKE: Perfect.

13 THE COURT: Let's be in recess for about
14 15 minutes.

15 All rise.

16 (The jury left the courtroom.)

17 THE COURT: All right. We'll be in recess
18 for about 15 minutes.

19 (The Court stood in recess.)

20 THE COURT: All right. I think we have
21 all the defendants in, and an attorney for each
22 defendant, and ready to go.

23 MS. HARBOUR-VALDEZ: Your Honor, Mr. Troup
24 is in the back.

25 THE COURT: All right. Mr. Marquardt,

1 juror number 16, has been asking -- is asking
2 Ms. Bevel about the pace of this trial. They
3 remember the 150 witnesses, and they can count, and
4 they're beginning to worry about whether this case
5 is going to be done by June 1st.

6 I propose to tell them, when they come in,
7 that I have talked to the lawyers here and the
8 parties, and they have assured me that we're about
9 two days behind, and that they feel that they can
10 make that up, and that things are going to go a
11 little faster, but that we're not in any significant
12 danger of missing that June 1st date. The attorneys
13 still feel that is doable, and they're committed to
14 trying to make that happen.

15 If I made that statement, would that be an
16 accurate representation?

17 Mr. Castellano?

18 MR. CASTELLANO: Yes, Your Honor.

19 THE COURT: From the defendants, would
20 that be an accurate statement?

21 MR. CASTLE: The defense attorneys have
22 talked about that. We don't think it is, Judge,
23 given the number of witnesses the Government has
24 talked about. I can tell the Court, for Counts 1
25 and 2, they have witnesses that are left, such as

1 Frederico Munoz, Gerald Archuleta, Robert Baby Rob
2 Martinez. I think there is like nine major
3 witnesses.

4 THE COURT: We'll talk about it another
5 time. I can tell you, I'm very disappointed to hear
6 this. I feel like I have been misled, and I feel
7 like I have misled the jurors.

8 MR. CASTLE: I understand, Your Honor.

9 THE COURT: All rise.

10 (The jury entered the courtroom.)

11 THE COURT: All right. Everyone be
12 seated.

13 All right. Mr. Armijo, I'll remind you
14 that you're still under oath. Mr. Burke, if you
15 wish to continue your cross-examination.

16 MR. BURKE: I do, Your Honor.

17 BY MR. BURKE:

18 Q. And, Mr. Armijo, I must say something to
19 you. I tried to lighten the tension in the
20 courtroom by mentioning the length of my
21 examination, but the truth is, Mr. Castellano and
22 Mr. Castle had to ask every question they asked.

23 A. Yeah, I understand.

24 Q. All right. So let me move forward to the
25 indictment, April 28, 2016. You'd been trying to do

1 some good for three years, and then here comes the
2 indictment. Is that a fair statement?

3 A. Yes.

4 Q. And then by June 28, 2016, you decided it
5 was -- it was time to make a deal?

6 A. Yes.

7 Q. Make a plea bargain. And part of that was
8 the statement, and you became an informant; is that
9 correct?

10 A. Yes.

11 Q. Something you probably never imagined that
12 you would do?

13 A. No.

14 Q. And you have hated parts of that, and you
15 hate being here today, probably?

16 A. Yes.

17 Q. And let's discuss your interview for a
18 bit. The first one, do you remember there was a
19 bunch of attorneys and a bunch of investigators, and
20 your attorney was there, two of the prosecutors were
21 there, Mr. Acee was there, and there was a number of
22 people in the room?

23 A. Right.

24 Q. And as you acknowledged to Mr. Castle
25 yesterday, you realized just admitting your

1 transgression was not going to get it done in terms
2 of reaching a plea bargain that was satisfactory.

3 That's a fair statement, isn't it?

4 A. Yes.

5 Q. And so you needed to say some things about
6 the people that were fighting the case. Is that a
7 fair statement?

8 A. Yes.

9 Q. And even though you had not read the
10 discovery, you realized that Edward Troup had been
11 indicted in one of the cases?

12 A. Yes.

13 Q. I want to talk to you about your
14 relationship with Mr. Troup. You're about the same
15 age, but you never had any dealings with him on the
16 street or in the free world, did you?

17 A. No.

18 Q. And you never spent any time with him, you
19 never were in the same pod with him during the
20 various times that you were both in the Department
21 of Corrections?

22 A. No.

23 Q. And so the only time that it happened to
24 be that you were together -- you got out of Central
25 on December 14, 2012, right?

1 A. Yes.

2 Q. And if I were to represent to you and not
3 put up on the screen that Edward Troup arrived there
4 on December 11th, in the afternoon, you would accept
5 my word for that?

6 A. Yes.

7 Q. And so you had a total of two days, in the
8 long history of you both being in and out of
9 facilities, that you would have overlapped. Is that
10 a fair statement?

11 A. We've ran into each other down through the
12 system, over the years.

13 Q. Maybe at Southern or something?

14 A. I don't recall.

15 Q. You have no specific memory --

16 A. No.

17 Q. -- of having any deep relationship with
18 Edward Troup?

19 A. No.

20 Q. All right. So it was those two days that
21 we're focused on, and you were not in the same pod
22 at RDC?

23 A. I don't think so.

24 Q. Okay. So in order for the conversation to
25 have taken place, where would it have had to take

1 place?

2 A. In the rec yards outside.

3 Q. Of course. And this isn't Jurassic Park,
4 but these are the dog runs or the dog --

5 A. Yes.

6 Q. And that's what they call them there?

7 A. Yes.

8 Q. And even though you had no relationship
9 with, no deep relationship with Edward Troup, you'd
10 never done anything with him, there is a
11 conversation?

12 A. Yes.

13 Q. And understanding that you needed to, in
14 order to make your deal, you needed to implicate
15 others who were fighting the case, correct?

16 A. Yes.

17 Q. And you and Mr. Acee had at one time
18 discussed prisoner locator records, right?

19 A. Correct.

20 Q. And I'm really not trying to be a jerk
21 here but, you know, you were taking psychotropic
22 medications?

23 A. Right.

24 Q. And that was the context of this alleged
25 conversation?

1 A. What context of what conversation?

2 Q. That's when, with all of this going on and
3 you're trying to tell all of these people, the
4 attorneys, that's how you were going to recreate
5 this conversation with Edward Troup and then tell
6 them about it?

7 A. We didn't go over the location until very
8 recently, I think within the last month or so.

9 Q. And that's when you told him it was at
10 Central?

11 A. No. I told him earlier last year
12 sometime, when I gave my first interview, first one
13 or two interviews.

14 Q. All right. Thank you. As of 2007, the
15 New Mexico Corrections Department had already
16 started isolating the SNM guys, hadn't they?

17 A. Yes.

18 Q. So there could be SNM pods like the blue
19 pod where Freddie Sanchez was killed?

20 A. Yes.

21 Q. And it wouldn't surprise you to know that
22 just about everybody in the pod knew that was going
23 to happen?

24 A. It wouldn't surprise me, no.

25 Q. All right. Okay. Thank you, sir.

1 So I do want to talk to you about the
2 report.

3 MR. BURKE: May I approach the witness?

4 THE COURT: You may.

5 Q. Yesterday, you mentioned, in response to
6 Mr. Castellano's questions, the comment about the
7 book and that part. And then you mentioned the part
8 about "Fred Dawg didn't fight back."

9 Do you see those things there?

10 A. Yes.

11 Q. But you weren't asked, and you didn't
12 mention -- and I think you would have mentioned if
13 you were asked -- Mr. Troup never admitted to the
14 homicide; correct?

15 A. Correct.

16 Q. All right. And I'm just going to show you
17 the handwritten notes from the FBI agent, the way it
18 was written, "Troup never said he did it."

19 A. Correct.

20 Q. That's what happened during that
21 conversation.

22 Now, I do want to ask you about the other
23 two parts of it.

24 A. Okay.

25 Q. You're very clear that he said that Mr.

1 Sanchez was put with his head toward the door and a
2 book on him, with a sheet pulled up so as to create
3 the impression that he was reading or sleeping?

4 A. Yes.

5 Q. All right. And then the other comment was
6 about Fred Dawg fighting back. Did you ever hear
7 the details of what happened?

8 A. No.

9 Q. Do you know Javier Alonso?

10 A. Does he go by another name?

11 Q. Wineo, Little Wineo?

12 A. I don't remember him.

13 Q. Okay. Then forget the name. If someone
14 was able to get behind Freddie Sanchez, up on a
15 toilet, for example, and had a cord, and jumped on
16 him and slammed him to the ground and reached back
17 and strangled him so that he was unconscious within
18 six seconds or so, chances are there wouldn't be any
19 fighting back, right?

20 A. Correct.

21 Q. And then if there is discussion of that in
22 the pod afterwards, there would be a lot of people
23 that would have known what Mr. Alonso did, right?

24 A. Correct.

25 MR. BURKE: That's all I have.

1 THE COURT: Thank you, Mr. Burke.

2 Anyone else? Mr. Sindel?

3 MR. SINDEL: Yes, Your Honor. Thank you.

4 CROSS-EXAMINATION

5 BY MR. SINDEL:

6 Q. Good morning.

7 A. Good morning.

8 Q. The rules within the penitentiary, the
9 convict code, that's a lot different than when
10 you're living out here in society, isn't it?

11 A. Yes.

12 Q. You can't respond the same way in society
13 as you might if you were in prison?

14 A. Correct.

15 Q. Sometimes there are slights or things that
16 are said that might be hurtful out here in society
17 that you can't respond to the same way you would in
18 prison?

19 A. Right.

20 Q. So like when you talked the other day
21 about respect, respect is vital in prison?

22 A. Yes.

23 Q. If you don't get respect, then people will
24 begin to take advantage of you?

25 A. Yes.

1 Q. The word will go out that you can take
2 advantage of this prisoner because he doesn't demand
3 respect?

4 A. Correct.

5 Q. Would it be fair to say that even if
6 you're not a particularly good fighter or a big guy
7 like you, you still might have to fight, even though
8 you know you're going to lose, just to show the
9 other inmates that you're not going to be slighted
10 or disrespected?

11 A. Yes.

12 Q. So that -- and if inmates see that, even
13 if you lose the fight, the important thing is that
14 you put up a fight?

15 A. Yes. It's not the size of the person;
16 it's the person's heart.

17 Q. All right. And so in the prison setting,
18 if someone were to say something negative about you,
19 especially in front of others, you might need to
20 respond?

21 A. Yes.

22 Q. Now, that's not the same thing that exists
23 in the outside world?

24 A. No.

25 Q. So let's -- if you got drugs from somebody

1 in prison and you didn't pay them, would that be
2 disrespect?

3 A. Yes.

4 Q. And if you got drugs -- you've bought
5 drugs on the outside, right? Correct?

6 A. Yes.

7 Q. And if you buy drugs from someone,
8 sometimes they front it to you? They give you
9 drugs, and then you pay them later?

10 A. Yes.

11 Q. If you don't pay them, that's disrespect,
12 right?

13 A. Yes.

14 Q. Well, would you say -- would it be
15 disrespectful for the person you got drugs from to
16 say, "Look, I want my money"? I mean, he's just
17 trying to get the same respect that anyone would,
18 correct?

19 A. Correct.

20 Q. "You owe me money; you need to live up to
21 your debt or obligation." Right?

22 A. Yes.

23 Q. That's not disrespect, right?

24 A. No.

25 Q. That's just saying the truth?

1 A. Yes.

2 Q. Now, you said if someone informs to the
3 cops, he can get hit?

4 A. Yes.

5 Q. If you're on the outside world and some
6 woman gets her purse snatched, and the police come,
7 and she says, "This is the description of the guy;
8 he got into a green late model Oldsmobile and drove
9 off and went this way," that woman wouldn't be
10 subject to being hit because she talked to the
11 police, right?

12 A. No.

13 Q. Okay. As an example, if it's an SNM
14 member on the outside, and he's with his
15 six-year-old child who is learning to ride a bike,
16 and somebody comes careening down the street and
17 runs over him and hits his child, and the police
18 come, and he told them the make and model of the car
19 and the license number, would that be acting as an
20 informant?

21 A. In my eyes, no.

22 Q. Would you hit him or kill him?

23 A. No.

24 Q. And are your eyes similar to the way that
25 other members of the SNM will look at it?

1 A. Yes.

2 Q. So that there is an area of gray?

3 A. Yes.

4 Q. And especially more pronounced outside of
5 prison?

6 A. Yes.

7 Q. Sometimes within prison -- I mean, first
8 of all, everything is regimented? You go to meals
9 at this time. If you need to go to the infirmary,
10 it's this time. If you want to do a work detail,
11 it's this time. Everything is regimented?

12 A. Yes.

13 Q. So it becomes much more black and white.

14 A. Yes.

15 Q. In the three years that you were out, you
16 had to learn to live in that gray area, didn't you?

17 A. Yes.

18 Q. It's not easy?

19 A. No.

20 Q. Would it be an act of dishonor for someone
21 to kill a drug supplier because they wanted their
22 money that you owed them?

23 A. Would it what? Repeat that.

24 Q. If a guy sold you drugs, and you didn't
25 pay him, would it be a position of respect for that

1 individual to ask you for the money? Or is it just
2 basically an obligation that you have?

3 A. Okay. If you buy drugs from me?

4 Q. From you.

5 A. From me?

6 Q. Yeah. You wouldn't expect him to say, "I
7 have a right to hit you because you wanted your
8 money," right?

9 A. No.

10 Q. Now, was one of the things that had been
11 developing in the more recent incarnation of the SNM
12 was that drugs became the predominant heartbeat of
13 that gang? Getting drugs, dealing in drugs, having
14 drugs were a very significant part of the gang's
15 function?

16 A. It was part, but I wouldn't say it was the
17 whole function.

18 Q. I didn't say "whole." I said it was
19 significant, wasn't it?

20 A. Yes.

21 Q. And that especially as the gang moved away
22 from its original founders, that became more and
23 more of a focus for the people of the gang?

24 A. Yes.

25 Q. And were there times when people who

1 violated the strict code of the gang got a pass
2 because they were a conduit? Do you know what I
3 mean by "conduit"?

4 A. Yes.

5 Q. For drugs?

6 A. Yes.

7 Q. To other gang members?

8 A. Yes.

9 Q. So that the person who supplied the drugs
10 was important because that kept that pipeline going?

11 A. Yes.

12 Q. And people would protect those
13 individuals, those drug suppliers, because without
14 them, the drugs wouldn't come into the institution?

15 A. Yes.

16 Q. And those people had cultivated
17 correctional officers?

18 A. Yes.

19 Q. It would not be a good thing to hit or
20 assault a correctional officer who routinely brought
21 drugs into the institution?

22 A. No.

23 Q. And that was an everyday occurrence,
24 correct?

25 A. Yes.

1 Q. Basically, if I understands it right,
2 besides Suboxone, if you wanted heroin or some other
3 drug, it came in during visits or it came in through
4 a correctional officer?

5 A. Yes.

6 Q. And then it would be distributed
7 throughout the prison population after it had
8 arrived and found a place within the walls; in other
9 words, the drugs were here, now they get distributed
10 down the chain?

11 A. Yes.

12 Q. When you were -- you know, I'm sitting
13 here and I'm thinking: Are those drugs passed
14 between inmates as they're out on the tier?

15 A. Like nowadays? Because it's a lot
16 different now.

17 Q. You know --

18 A. We have very limited movement. We're kind
19 of segregated from each other.

20 Q. All right. Before you were segregated
21 from each other, was it -- we heard about them doing
22 drugs in the chapel.

23 A. Yes.

24 Q. I guess drugs is sort of a religion. And
25 we heard about them doing drugs, you know, like they

1 leave the visiting area, and then they start passing
2 drugs out immediately.

3 A. Yes.

4 Q. The correctional officers knew what was
5 going on, in your opinion, didn't they?

6 A. Yes.

7 Q. They just ignored it?

8 A. Yes.

9 Q. A lot of them were just there for a
10 paycheck?

11 A. Correct.

12 Q. And in the tier, could you pretty much get
13 away with things about passing drugs and doing other
14 things that might normally subject you to punishment
15 or penalties because the guards didn't pay
16 attention?

17 A. Yes.

18 Q. Up in the bubble, rather than looking at
19 you or the other inmates to see if everyone was safe
20 and what was going on, they were playing video
21 games, weren't they?

22 A. Yeah, more than -- more often, yes, they
23 were.

24 Q. Now, let's put you back in that setting.
25 You're back in prison. You're supposed to hit child

1 molesters when they come around you, right?

2 A. Yes.

3 Q. And if you don't do that, can you also be
4 subject to a green light?

5 A. Yes.

6 Q. And you're supposed to hit members of the
7 Los Carnales?

8 A. Yes.

9 Q. And if you don't do that, can you be
10 subject to a green light?

11 A. Yes.

12 Q. And you're supposed to hit informants?

13 A. Yes.

14 Q. Same thing? You don't do that, you're
15 subject to a hit?

16 A. Yes.

17 Q. If you're supposed to supply a knife for
18 an assault, can you be hit if you don't do that?

19 A. Yes.

20 Q. And if you're supposed to hold someone
21 down during an assault, and you don't do that, can
22 you be subject to a green light?

23 A. Yes.

24 Q. And every time you're subject to a green
25 light, you're basically risking your life, right?

1 A. Yes.

2 Q. If you're responsible for luring someone
3 into a trap or a dangerous environment, and you
4 don't do that, could you be subject to a green
5 light?

6 A. Yes.

7 Q. Whenever I turn these pages over, you
8 should be happy about that. That means you're much
9 closer to leaving out that door.

10 If you were to be recruited into doing a
11 particular hit or assault, whether it be murder or
12 simple assault, and you went to a correctional
13 officer to say, "Look, this is going to happen,"
14 green light?

15 A. Yes.

16 Q. Major green light?

17 A. Yes.

18 Q. And if you acted in any way to stop it,
19 major green light?

20 A. Yes.

21 Q. And, in fact, if you were there and didn't
22 do exactly what you were supposed to do that was
23 sent to you by the mission commander, you could be
24 assaulted and killed right there on the spot?

25 A. Yes.

1 Q. There we go.

2 Now, when you were released -- you know
3 what pretrial release is, right?

4 A. Yes.

5 Q. And you know within the federal system,
6 it's not the same as it is in the state system? You
7 can't just post bail. There are times when you can
8 be stuck in jail and can't get out because you've
9 been quote-unquote "detained"?

10 A. Yes.

11 Q. And if the Court makes the determination
12 that you're either a danger to the community, a
13 danger to yourself, for things like drug use or drug
14 abuse or possession of weapons or any other number
15 of reasons, you might end up unable to get out while
16 your case was pending?

17 A. Yes.

18 Q. You certainly didn't want that, did you?

19 A. No.

20 Q. You got a little bit of a taste of what
21 it's like to walk amongst us, right?

22 A. Yes.

23 Q. You don't want to go back, do you?

24 A. No.

25 Q. And I have to say to you: Do you

1 understand that a presentence report is prepared by
2 the Department of Probation and Parole?

3 A. Yes.

4 Q. And it becomes one of the main sources of
5 information for the Court in trying to make a
6 determination as to what your sentence could be?

7 A. Yes.

8 Q. These guys over here, who you are working
9 for, they can stand up and they can add their spiel
10 to the Court; correct?

11 A. Right.

12 Q. Your lawyer can stand up and have his
13 spiel to the Court; correct?

14 A. Yes.

15 Q. But you understand at least the probation
16 officer theoretically has balance between the two?

17 A. Yes.

18 Q. Provides facts and information for the
19 Court?

20 A. Yes.

21 Q. Don't you believe in some ways it would be
22 very important for you to make sure that those facts
23 are correct?

24 A. Yes.

25 Q. Don't you think it would be very important

1 for you to have input to the probation officer about
2 the facts that they might present to the Court?

3 A. Yes.

4 Q. Did you go in and talk to the probation
5 officer, to be interviewed before they prepared
6 their report?

7 A. No.

8 Q. And as you sit there today, you were told
9 that that report was prepared in October, and to
10 this day, six months later, you still have not read
11 it?

12 A. No.

13 Q. When you sit there now, does that concern
14 you?

15 A. Yes.

16 Q. Do you think maybe it would be important
17 for you to read it?

18 A. Yes.

19 Q. Do you think it would have been important
20 for you to read it before you came in and talked to
21 this jury and told them the story that the
22 Government has extracted from you?

23 A. No.

24 Q. You don't think it would have been
25 important to be able to verify whether they're

1 telling the truth in that report?

2 A. Who's telling the truth?

3 Q. The probation office.

4 A. The probation office got their -- what
5 they know, they wrote down from my history.

6 Q. They wrote it down from a lot of other
7 things. For example, they wrote down from an
8 organization -- let's see here --

9 A. I already know my history. I already know
10 what I've done. So, obviously, that's what they're
11 going to say.

12 Q. It says in here in the probation report --

13 MR. CASTELLANO: I'll object to counsel
14 reading from the presentence report, Your Honor.

15 MR. SINDEL: I haven't formulated the
16 question. I haven't said anything.

17 THE COURT: Well, let's hear the question,
18 and then I'll make a decision.

19 BY MR. SINDEL:

20 Q. If there was anything in the presentence
21 report that was prepared by the Evolution Group --
22 do you know what that is?

23 A. Yes.

24 Q. The Evolution Group basically met with
25 you, talked with you, interviewed with you, and

1 counseled you?

2 A. Yes.

3 Q. They obtained information from you?

4 A. Yes.

5 Q. If they said that you had suffered from
6 hallucinations, would that be accurate?

7 A. No.

8 Q. So if you don't read the probation report,
9 you don't know if that's in there or not, right?

10 A. I know that's in there, from the last
11 trial.

12 Q. But do you know it now?

13 A. I've known it since the last trial.

14 Q. So did you take it up with the probation
15 officer?

16 A. I took it up with the probation officer, I
17 took it up with the Evolution Group, because I never
18 signed a letter releasing any type of information.
19 So why they got that information, I have no idea.

20 Q. Apparently they got it from the Evolution
21 Group, because you're angry at them for releasing
22 it, right?

23 A. I'm not angry with them. I confronted
24 them about it, and nobody released that information.
25 So where they got that information, I don't know.

1 Q. Did you understand, at least from what
2 you've learned, that they got it -- they said they
3 got it --

4 A. They said they got it from the Evolution,
5 but nobody from the Evolution Group released any
6 information.

7 Q. Well, you know, in other words, the
8 Evolution Group, on July 25, 2016, didn't release
9 anything about you having been treated for
10 psychological difficulties on five separate
11 occasions? They didn't release that?

12 A. No.

13 Q. And they didn't release anything having
14 identified psychiatric symptoms, including serious
15 anxiety? They didn't release that?

16 A. Not that I know of.

17 Q. They didn't release anything about you
18 having hallucinations when using methamphetamine?

19 A. Not that I know of.

20 Q. They didn't release information about you
21 having trouble understanding, concentrating, or
22 remembering?

23 A. No.

24 Q. And they didn't release any information
25 about you having a problem or trouble controlling

1 your violent behavior?

2 A. Not that I know of.

3 Q. And they didn't release anything about you
4 having thoughts of suicide?

5 A. Not that I know of.

6 Q. And they didn't release any information
7 that you'd attempted suicide on several occasions by
8 overdosing?

9 A. Not that I know of.

10 Q. By hanging?

11 A. Not that I know of.

12 Q. By cutting your wrist?

13 A. Not that I know of.

14 Q. And your last suicide attempt occurred in
15 2014. You don't know if they released that?

16 A. That never happened.

17 Q. And so what you're telling the jury today,
18 that's the truth, no one could have ever released
19 that information to Probation and Parole?

20 A. I've never signed a release for anything.

21 Q. I didn't say that, sir.

22 A. That's what I'm telling you.

23 Q. You know, I don't really care if you
24 signed a release. I only care about whether that
25 information is accurate or not.

1 A. I have no idea.

2 Q. You don't have any idea if all those
3 really serious psychological complications and
4 difficulties ever occurred in your lifetime?

5 A. I know what occurred in my lifetime, but
6 it doesn't concern you.

7 Q. I'm not saying it concerns me. But it may
8 concern the fact-finders?

9 A. Right.

10 Q. Right?

11 A. Right.

12 Q. You had the ability and certainly the
13 dexterity to lie to the probation officer, right,
14 about your drug use?

15 A. Yes.

16 Q. And when you came to this court and you
17 said, "Look, I promise you I'm going to be better,
18 I'm not going to use drugs," you were lying, weren't
19 you? You used drugs on three occasions, right?

20 A. Yes.

21 Q. And the prosecution said, "Give him
22 another chance"?

23 A. Correct.

24 Q. "Give him a second chance"?

25 A. Correct.

1 Q. "Give him a third chance"?

2 A. Correct.

3 Q. "Give him a chance right now"?

4 A. Right.

5 Q. They asked the judge to forgive you for
6 your lies, right?

7 A. Yes.

8 Q. Your deceptions?

9 A. Yes.

10 Q. And you're hoping they'll come in and
11 forgive you for your history of violence?

12 A. I'm not asking nobody for forgiveness of
13 my history.

14 Q. You certainly don't want them to come in
15 and say, "This guy is violent; we need to put him
16 away," do you?

17 A. They already know my history.

18 Q. Do you want them to come into this court
19 on the date you have to face a sentencing process
20 and say, "He's violent; take him into custody for 20
21 years"?

22 A. No.

23 MR. SINDEL: That's all I that.

24 THE COURT: Thank you, Mr. Sindel.

25 Any other defendant have cross-examination

1 of Mr. Armijo?

2 Mr. Castellano, do you have redirect?

3 MR. CASTELLANO: Thank you, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. CASTELLANO:

6 Q. Mr. Armijo, regarding your presentence
7 report, do you understand that that's a report
8 that's prepared before you get sentenced?

9 A. Yes.

10 Q. Do you have a sentencing date set yet?

11 A. No.

12 Q. Is it your understanding that your
13 sentencing won't be even set until your cooperation
14 is complete in this case?

15 A. Yes.

16 Q. And are you potentially expected to
17 testify in another one of these trials in July of
18 this year?

19 A. Yes.

20 Q. And so is that the earliest time, at least
21 as far as you know, that you could be sentenced in
22 this case?

23 A. Yes.

24 Q. Do you have a lawyer?

25 A. Yes.

1 Q. Is he here today?

2 A. No.

3 Q. Why not?

4 A. I requested him not to be here.

5 Q. Do you feel under duress today for any
6 reason?

7 A. No.

8 Q. You mentioned that you testified in a
9 trial already; is that true?

10 A. Yes.

11 Q. And when you did that, did your attorney
12 come down for your testimony for that trial?

13 A. No.

14 MR. SINDEL: Your Honor, may we approach?

15 THE COURT: You may.

16 (The following proceedings were held at
17 the bench.)

18 MR. SINDEL: We had an understanding with
19 Ms. Armijo, and I'm sure Mr. Castellano is aware of
20 it, not to emphasize the fact that there was a
21 trial. This witness said there was another trial.
22 I understand that. But I don't believe that gives
23 Mr. Castellano the obligation to talk about the fact
24 that there was another trial, and the fact that
25 there is going to be a third trial. We talked about

1 referring to a "proceeding."

2 Now, you know, if he says "trial" and I'm
3 there, I'm not going to come up and say something
4 because it emphasizes it. But I also think Mr.
5 Castellano could exercise some degree of caution in
6 referring to it.

7 THE COURT: I agree. Let's stay away from
8 the future trial, and let's stay away from the past
9 trial. I don't think this is necessary.

10 MR. CASTELLANO: Well, I think it's fair
11 questioning.

12 THE COURT: A lot of things may be fair,
13 Mr. Castellano.

14 MR. CASTELLANO: I understand.

15 THE COURT: Your redirects are getting
16 very long and very tedious. You don't have to
17 respond to everything. I think we need to bring
18 this along. So I think in areas like this, it may
19 be fair, but you need to exercise some discretion
20 and start moving this trial along.

21 MR. CASTELLANO: All I'm asking for is a
22 fair shot, Your Honor.

23 THE COURT: I think it's been fair. I
24 think I've been fair to both sides.

25 MR. CASTELLANO: Understood.

1 THE COURT: This area, don't bring it up
2 unless you approach the bench. Sustained.

3 MR. SINDEL: Thank you.

4 (The following proceedings were held in
5 open court.)

6 THE COURT: Mr. Castellano.

7 MR. CASTELLANO: Thank you, Your Honor.

8 BY MR. CASTELLANO:

9 Q. Mr. Armijo, are you aware of whether or
10 not your attorney has filed objections to the
11 presentence report?

12 A. Yes.

13 Q. So is it your understanding that he has
14 actually filed something challenging some of the
15 findings in the presentence report?

16 A. Yes.

17 Q. Is that something you rely on your
18 attorney to do, not for you to do personally?

19 A. Yes.

20 Q. In your presentence report there is
21 discussion about hallucinations. Do you remember
22 ever making a comment that you hallucinated when you
23 used methamphetamine?

24 A. I might have, yes.

25 Q. So is that something that you no longer

1 use?

2 A. Yes.

3 Q. And when you were under the use of
4 methamphetamine, were there times when you possibly
5 didn't sleep even for days?

6 A. Yes.

7 Q. And as a result of not sleeping for days,
8 do you recall if you ever had hallucinations from
9 methamphetamine use?

10 A. Yes.

11 Q. Regarding the presentence report and what
12 could be used against you and what couldn't, are you
13 a lawyer?

14 A. No.

15 Q. Do you know what could be used against you
16 from what are called the United States Sentencing
17 Guidelines?

18 A. No.

19 Q. Are you aware of what conduct could be
20 used against you?

21 A. No.

22 Q. Are you aware of a term called relevant
23 conduct?

24 A. No.

25 Q. So do you know what can and can't be used

1 against you at sentencing?

2 A. No.

3 Q. You were asked about Overt Act, I think
4 178 of your indictment. Do you remember that, sir?
5 It was an allegation regarding a murder, someone
6 named Michael Giron.

7 A. Oh, yes.

8 Q. And do you recall after your first
9 indictment in your case, there was a second
10 indictment filed called a superseding indictment?

11 A. Yes.

12 Q. And were you aware that that allegation
13 was removed from that indictment after the FBI
14 investigated that further?

15 A. No.

16 Q. So you weren't even aware of that?

17 A. No.

18 Q. Did you have a discussion with the FBI
19 about that allegation?

20 A. Yes.

21 Q. Did you give them some information about
22 that murder?

23 A. No.

24 Q. And did you deny that to the FBI?

25 A. Yes.

1 Q. You were asked about an order and a hit on
2 someone named Chris Dragon Vargas. Do you remember
3 that?

4 A. Yes.

5 Q. Do you recall if he was a sex offender?

6 A. Yes.

7 Q. And under the SNM rules, do you recall
8 ordering him assaulted because he was a sex
9 offender?

10 A. Yes.

11 Q. You were also asked about these questions
12 regarding these assaults on the streets for
13 disrespect.

14 A. Yes.

15 Q. So even though you were on the streets and
16 no one else was around, were you still enforcing SNM
17 rules?

18 A. Yes.

19 Q. You were also asked about disrespect over
20 drugs. Do you remember that?

21 A. Yes.

22 Q. Now, when you owe someone money for drugs
23 and they ask you for them, is just the asking itself
24 disrespectful?

25 A. No.

1 Q. What happens if they start asking you
2 things in a disrespectful way?

3 A. Yes.

4 Q. Could that be a problem?

5 A. Yes.

6 Q. You were also asked about your tattoos.
7 I'm going to ask you about one of your favorites.

8 MR. CASTELLANO: May I approach, Your
9 Honor?

10 THE COURT: You may.

11 Q. I'm showing you what's been marked for
12 identification as Government's Exhibit 701.

13 A. Right.

14 Q. Do you recognize that?

15 A. Yes.

16 Q. Is that a fair and accurate depiction of
17 one of your tattoos on your arm?

18 A. Yes.

19 MR. CASTELLANO: I'm going to show it to
20 defense counsel. At this time, I'm going to move
21 the admission of Government's Exhibit 701.

22 THE COURT: Any objection from the
23 defendants?

24 MR. SINDEL: I haven't seen it yet, Your
25 Honor.

1 THE COURT: All right.

2 MR. SINDEL: No objection.

3 THE COURT: Not hearing or seeing any
4 objection, Government's Exhibit 701 will be
5 admitted.

6 (Government Exhibit 701 admitted.)

7 MR. CASTELLANO: May I publish it to the
8 jury, Your Honor?

9 THE COURT: You may.

10 BY MR. CASTELLANO:

11 Q. I'm circling something on your arm here,
12 sir. What is that?

13 A. It's a dog paw.

14 Q. And what does that mean?

15 A. It's in remembrance of one of my dogs that
16 died.

17 Q. What was your dog's name?

18 A. Maximus, Max.

19 Q. Are all of your tattoos related to the
20 gang?

21 A. No.

22 Q. You kind of smiled when I showed you that
23 picture. Why was that?

24 MR. CASTLE: Objection; relevancy.

25 A. It was my dog.

1 THE COURT: Sustained. Sustained.

2 MR. CASTELLANO: May I approach the
3 witness again, Your Honor?

4 THE COURT: You may.

5 Q. I'm going to show you a document, sir.
6 I'll see if you recognize it or what it involves?

7 A. The assaults that I was questioned about
8 earlier, in 2001.

9 Q. And did you see four names in there?

10 A. Yes.

11 Q. And do those names correspond to the
12 initials you weren't sure about who they were
13 yesterday?

14 A. Yes.

15 Q. And was this a memo to you from the
16 Corrections Department?

17 A. Yes.

18 Q. And what happened as a result of these
19 assaults?

20 A. I was transferred out.

21 Q. So was this a notification to you that the
22 Corrections Department was going to do something
23 about the assaults that happened at the facility?

24 A. Yes.

25 Q. When you say "transferred out," is this

1 the same transfer in 2001 that moved you out of
2 Southern New Mexico Correctional Facility before the
3 murders happened?

4 A. Yes.

5 Q. Regarding the murders, if you weren't
6 there and Lino G wasn't there and T-Bone wasn't
7 there, who would have had to oversee these murders,
8 if you weren't?

9 A. The next person --

10 MR. CASTLE: Objection, Your Honor. That
11 calls for speculation about what would have happened
12 when he wasn't there.

13 THE COURT: Well, he probably knows the
14 answer to this, so I'm not sure it's speculation.
15 Overruled.

16 A. The next person who got there, or was in
17 line to take over.

18 BY MR. CASTELLANO:

19 Q. And what about a double homicide?

20 A. That would probably take a lot of
21 coordination.

22 Q. And what if it was an SNM on SNM, as
23 opposed to a rival gang double homicide?

24 A. I don't know what you mean.

25 Q. Would that take coordination and approval

1 from somebody?

2 A. From a rival gang?

3 Q. No, no. What if it was within the gang,
4 and not from a rival gang?

5 A. Yeah, it would take -- yes, you'd have to
6 get approval.

7 Q. Do you recall sitting down with the FBI to
8 discuss the Overt Acts from your indictment?

9 A. Yes.

10 Q. And did you admit to ones you agreed with,
11 and dispute some of those Overt Acts?

12 A. Yes.

13 Q. And was that documented in a report?

14 A. What do you mean?

15 Q. Do you know if the FBI put that
16 information in a report?

17 A. The ones that I denied?

18 Q. Yes.

19 A. I'm not sure.

20 MR. CASTELLANO: May I approach, Your
21 Honor?

22 THE COURT: You may.

23 Q. I'm going to show you a document, sir.
24 I'll just have you review that to yourself and see
25 if that refreshes your recollection about a

1 conversation with the FBI?

2 A. Yes.

3 Q. And so did you have a chance to review
4 those acts in your conduct with the FBI, to tell
5 them things that may or may not be accurate, and
6 admit to things that you did?

7 A. Yes.

8 Q. You were also asked about the two
9 conversations you had with Billy Garcia. Do you
10 remember that?

11 A. Yes.

12 Q. And at one point did you indicate that you
13 had a conversation with Mr. Garcia at PNM?

14 A. Yes.

15 Q. And did you recall giving that information
16 to the FBI?

17 A. Yes.

18 Q. Sir, I'm going to show you a report dated
19 March 19, 2018, as well as some notes attached to
20 that document. I'll ask you, from reviewing that
21 document, whether you recall giving that information
22 to the FBI?

23 A. Yes.

24 Q. From time to time are you aware that you
25 have given corrections to the FBI for them to make

1 in their reports?

2 A. Yes.

3 Q. To clear up some possible confusion from
4 yesterday, I want to show you two exhibits. Let me
5 show you Government's Exhibit 635 and, hopefully
6 side by side, Exhibit 184. On the left is Exhibit
7 635. Do you see on the top, it's your physical
8 location history?

9 A. Yes.

10 Q. And on the right is Exhibit 184, Edward
11 Troup's history?

12 A. Yes.

13 Q. Until recently, had you seen documents
14 like this?

15 A. No.

16 Q. So when you talked about people's
17 histories in the penitentiary, were you relying on
18 your memory?

19 A. Yes.

20 Q. And I think you were asked earlier whether
21 you had a tablet with discovery in this case?

22 A. Yes.

23 Q. Did you ever get such a tablet?

24 A. No.

25 Q. And what, if any, discovery have you seen

1 or reviewed in this case?

2 A. None.

3 Q. Have you had a chance to look at your own
4 statements to the FBI?

5 A. Yes.

6 Q. So you mentioned having a discussion with
7 Mr. Troup in 2012 at Central?

8 A. Yes.

9 Q. On both documents, I've highlighted
10 certain areas. And I want to ask you whether on
11 December 11th of 2012 you see Mr. Troup in housing
12 unit C, housing unit 2-A?

13 A. Yes.

14 Q. Then if I find it here. I'm making a mess
15 of it here. But do you see where you were also in
16 housing units there at Central at the same time as
17 Mr. Troup?

18 A. Yes.

19 Q. Is that the time you recall having a
20 discussion with him in the cages about Fred Dawg?

21 A. Yes.

22 Q. Now, you were asked about the report where
23 it says Edward Troup never admitted to you that he
24 committed the murder of Fred Dawg.

25 A. Correct.

1 Q. But did he describe to you what happened
2 in the cell?

3 A. Yes.

4 Q. What did he tell you?

5 A. There was three people in there. One had
6 grabbed him from below the waist; one grabbed him
7 above the waist; and another one had strangled him.
8 And after they had strangled him, they laid him down
9 in the bed, put the book on him.

10 Q. And did you know anything other than what
11 he told you about that crime?

12 A. No.

13 MR. CASTELLANO: At this time, I think
14 without objection -- I will show defense counsel
15 first -- I will be moving the admission of
16 Government's Exhibits 715, 716, and 717, Your Honor.

17 THE COURT: Any objection from the
18 defendants?

19 MR. SINDEL: I have not seen this exhibit
20 yet.

21 THE COURT: All right.

22 MR. SINDEL: No objection from team
23 Gallegos.

24 MR. BURKE: No objection.

25 THE COURT: All right. Not seeing or

1 hearing any objection, Government's Exhibits 715,
2 716, and 717 will be admitted into evidence.

3 MR. CASTELLANO: Thank you, Your Honor.

4 (Government Exhibits 715, 716, and 717
5 admitted.)

6 MR. CASTELLANO: May I approach the
7 witness with these?

8 THE COURT: You may.

9 BY MR. CASTELLANO:

10 Q. Mr. Armijo, I just want to ask you if
11 these -- if you recognize these location histories
12 from your time at MDC?

13 A. Yes.

14 Q. And in terms of these three exhibits, do
15 you see that one is for Billy Garcia, one is for
16 you, and one is for Gerald Archuleta?

17 A. Yes.

18 Q. And do you recall whether each of you were
19 staying in pod 3 at one point?

20 A. Yes.

21 Q. So is this the time you were telling us
22 that you were at MDC with both Billy Garcia and
23 Gerald Archuleta?

24 A. Yes.

25 Q. And is Gerald Archuleta also known as

1 Styx?

2 A. Yes.

3 Q. Is this where you had the conversation
4 where you asked Mr. Garcia about the Castillo
5 homicide?

6 A. Yes.

7 Q. You were asked on cross-examination if you
8 received money from the Government.

9 A. Yes.

10 Q. How much money have you received?

11 A. \$500.

12 Q. And for what purpose?

13 A. Security on my house.

14 Q. Before receiving that money for security
15 on your house, had you received any other money from
16 the Government?

17 A. No.

18 Q. You were also asked about a hit on Pup,
19 also known as Mr. Baca?

20 A. Yes.

21 Q. Why did you put a hit on him?

22 A. After he put a hit on me.

23 Q. And as somebody who is now cooperating
24 with the Government, do you have any authority to
25 enforce a hit with the SNM?

1 A. No.

2 MR. CASTELLANO: I pass the witness, Your
3 Honor.

4 THE COURT: Thank you, Mr. Castellano.
5 Do you have something further, Mr. Castle?

6 MR. CASTLE: Very quickly, Your Honor.

7 THE COURT: Mr. Castle.

8 CROSS-EXAMINATION

9 BY MR. CASTLE:

10 Q. Mr. Armijo, you said you had not looked at
11 any discovery, not a single page, right?

12 A. Yes.

13 Q. Yet, you were able to tell the FBI what
14 was -- I think you said that you've told them what
15 they had down wrong in the discovery, and had them
16 make changes. Did you just say that?

17 A. No. What they had down in my statements
18 is what I had to correct on.

19 Q. Okay. And your statements are in
20 discovery?

21 A. Yes.

22 Q. The reason you didn't get a tablet is
23 because you were on the streets?

24 A. Yes.

25 Q. And the tablet requirement was only for

1 people in custody?

2 A. Yes.

3 Q. People on the streets were allowed copies
4 of discovery?

5 A. I believe so.

6 Q. The document that they showed you, that
7 said that you had indicated a conversation with
8 Mr. Garcia was at PNM, that document was dated March
9 19th of 2018; is that right?

10 A. Yes, I think so.

11 Q. And that would have been after Agent Acee
12 had confronted you about the fact that there was
13 some issues with where you were located and where
14 Mr. Garcia was located, right? Do you understand?
15 That was probably a confusing question.

16 A. Yeah.

17 Q. I'll just move on. You were shown three
18 documents; I think they were location histories at
19 MDC?

20 A. Yes.

21 Q. They don't show you and Mr. Garcia in the
22 same pod in 2008 at all, do they? It was 2007 that
23 he pointed to, right?

24 A. I'm not sure. I didn't look at the dates.

25 MR. CASTLE: Do you have those documents?

1 I think the Government is willing to stipulate that
2 it shows 2007, not 2008.

3 MR. CASTELLANO: I think we are. There is
4 a date range, but I think they overlap. It probably
5 is within 2007. We can stipulate to that.

6 BY MR. CASTLE:

7 Q. Finally, there were questions about
8 whether the information you had provided about your
9 violence during the debriefings could be used in
10 your sentencing. Do you recall that?

11 A. Yes.

12 Q. I want to show you a copy of what's been
13 called the Kastigar letter. And it says
14 specifically information given in your debriefings
15 will not be used in determining your guideline
16 range?

17 A. Yes. I think we went over that already.

18 MR. CASTLE: No other questions.

19 THE COURT: Thank you, Mr. Castle.

20 Mr. Sindel?

21 MR. SINDEL: I only have two.

22 THE COURT: All right. Mr. Sindel.


23 MR. SINDEL: Thank you, Your Honor.

24

25

1 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,
2 Official Court Reporter for the State of New Mexico,
3 do hereby certify that the foregoing pages
4 constitute a true transcript of proceedings had
5 before the said Court, held in the District of New
6 Mexico, in the matter therein stated.

7 In testimony whereof, I have hereunto set my
8 hand on this 16th day of May, 2018.

9
10 
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